

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SSA MARINE, INC., and SSA TERMINALS,  
LLC.

Petitioners,

and

INTERNATIONAL ASSOCIATION OF  
MACHINISTS, DISTRICT LODGE 160,  
LOCAL LODGE 289,

Respondent.

Case Nos. 19-CD-502 and 19-CD-506

**RESPONDENT'S CROSS-  
EXCEPTIONS TO THE DECISION  
OF THE ADMINISTRATIVE LAW  
JUDGE**

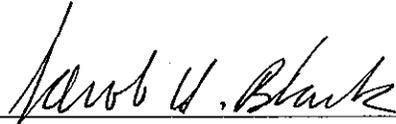
Pursuant to Section 102.46(e) of the Rules and Regulations of the National Labor Relations Board, Respondent, International Association of Machinists ("IAM") hereby files the following cross-exceptions to the Decision and Order of the Administrative Law Judge Kocol. The IAM takes exception to the following:

- (1) To the ALJ's oversight in not specifically relying upon the Respondent's legal argument, supported by Board precedent, that SSA is not coerced by the Respondent's actions because PMA agreed unequivocally to assume all costs arising from SSA's contract breach with the IAM (ALJD 9: 9-12). This is so because the instant case is analogous to Board precedent holding that unions may seek contract remedies following an adverse 10(k) decision where an entity other than the employer responsible for assigning the disputed work is ultimately liable for the damages.
- (2) To the ALJ's failure to specifically address the Respondent's argument, in the alternative, that there can be no undermining of the 10(k) award (ALJD 9: 2-3) by

the IAM's pursuit of damages from the date of the contract breach to the date of the 10(k) decision.

DATED this 26<sup>th</sup> day of June, 2012.

Respectfully submitted,



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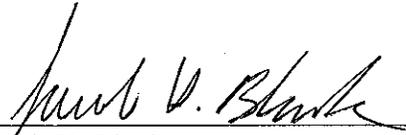
**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of June, 2012, I caused the original of the foregoing **RESPONDENT'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE** to be filed electronically with the NLRB through its website at nlr.gov, and I emailed a copy to:

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