

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

In the matter of:)	
)	
ELYSIAN BREWING COMPANY, INC.)	Case No. 19-RC-082934
)	
Employer,)	
and)	
)	
INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL 286,)	
AFL-CIO,)	
)	
Petitioner.)	
_____)	

PETITIONER'S ANSWERING BRIEF

INTRODUCTION

Hearing Officer Daniel M. Hickey issued a Report and Recommendation on Challenged Ballot in the instant case on October 10, 2012. The Employer timely filed its exceptions to the Hearing Officer's Report including a Motion to re-open the hearing. This is Petitioner's Answering Brief to the Employers Exceptions and Motion filed pursuant to the Board's Rules and Regulations § 102.69(e).

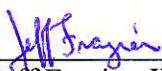
PETITIONER'S ANSWER

The Petitioner supports the Hearing Officer's Report in every regard. The Petitioner objects to the Employers Motion to re-open the hearing to take additional testimony of William Fairbanks. As Hearing Officer Hickey's Report points out: "All parties were accorded a full opportunity to be heard, to present evidence, to examine and cross-examine witnesses to introduce evidence bearing upon the issues, and to provide oral and written arguments." (Hearing Officer's Report at 2.) Accordingly, Employer's Motion should be denied.

CONCLUSION

For the foregoing reasons, the Regional Director should sustain Petitioner's challenge to the determinative ballot of William Fairbanks and issue a Certification of Representative.

Dated this 25th day of October, 2012.

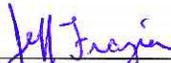


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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2012, I filed the foregoing
PETITIONER'S ANSWERING BRIEF electronically with the NLRB, and I emailed a true
and correct copy of the same to:

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