

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

**BCI COCA-COLA BOTTLING  
COMPANY OF LOS ANGELES**

**and**

**Case 28-CA-022792**

**WAYNE ABREU, An Individual**

**ACTING GENERAL COUNSEL'S EXCEPTIONS**

Counsel for the Acting General Counsel (General Counsel), pursuant to Section 102.46 of the Board's Rules and Regulations, files the following exceptions to the bench decision issued by Administrative Law Judge William Kocol (ALJ) issued on the record at the hearing in this matter on September 13, 2012, and the subsequent written decision dated September 28, 2012 [JD(SF)-48-12] (ALJD), in the captioned case:

1. The ALJ's erroneous decision to defer this matter before allowing for a full evidentiary hearing. In support of this exception, the General Counsel relies upon the arguments set forth in the accompanying brief in support, the arguments adduced during the hearing, and the existing record exhibits.
2. The ALJ's failure to analyze the existing grievance settlement pursuant to established Board precedent. In support of this exception, the General Counsel relies upon the arguments set forth in the accompanying brief in support, the arguments adduced during the hearing, and the existing record exhibits.
3. The ALJ's reliance upon General Counsel Memorandum 73-31. In support of this exception, the General Counsel relies upon the arguments set forth in the accompanying brief in support, the arguments adduced during the hearing, and the existing record exhibits.

Dated at Phoenix, Arizona, this 26<sup>th</sup> day of October 2012.

Respectfully submitted,

/s/ Sandra L. Lyons

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S EXCEPTIONS in BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES, Case 28-CA-022792 was served by E-Gov, E-Filing and by E-mail, on this 26<sup>th</sup> day of October 2012, on the following:

### *Via E-Gov, E-Filing*

Lester A. Heltzer, Executive Secretary  
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### *Via Electronic Mail*

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