



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 30

310 West Wisconsin Avenue - Suite 700W

Milwaukee, WI 53203-2211

Telephone (414) 297-3875
FAX (414) 297-3880
www.nlr.gov

January 11, 2013

Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Re: **Michels Corporation**
Case 30-CA-081206

Dear Executive Secretary:

On October 9, 2012, Administrative Law Judge Christine Dibble, over the objections of the Acting General Counsel, issued an on-the-record oral ruling accepting a non-Board settlement in this matter, approving the Union's request to withdraw the charge, and dismissing the complaint. On December 19, 2012, the Board issued an unpublished Order in the above-captioned matter in which it granted the Acting General Counsel's request for special permission to appeal the Judge's ruling and revoked the Judge's settlement approval because the non-Board settlement did not satisfy the standard set forth in *Independent Stave Co.*, 287 NLRB 740, 743 (1987).

The Board's action is noteworthy for its discussion and application of the *Independent Stave* standard to the instant facts. For that reason, I am requesting that the Board publish its Order so it may provide precedential guidance to the public in like future situations.

Very truly yours,

Irving E. Gottschalk
Regional Director

cc: Kelli Taffora, Senior Legal Counsel
Brian Johnson, Emp. Rep.
Michels Corporation
817 West Main Street
PO Box 128
Brownsville, WI 53006-1439

International Union of Operating
Engineers Local No. 139 AFL-CIO
N27 W23233 Roundy Drive
P.O. Box 130
Pewaukee, WI 53072

Pasquale A. Fioretto, Esq.
Baum, Sigman, Auerbach & Neuman
LTD
200 West Adams Street, Suite 2200
Chicago, IL 60606

Jonathan O. Levine, Esq.
Littler Mendelson
111 East Kilbourn Avenue Ste 1000
Milwaukee, WI 53202