

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

**BOB'S DISCOUNT FURNITURE OF NEW
YORK, LLC**

and

Case Nos. **29-CA-070362
29-CA-072325
29-CA-074994**

**LOCAL 888, UNITED FOOD & COMMERCIAL
WORKERS, INTERNATIONAL UNION**

MOTION TO HAVE CASES REMANDED BACK TO REGION

On April 25, 2012, Region 29 of the National Labor Relations Board ("the Region") issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing. The Consolidated Complaint alleged that Bob's Discount Furniture of New York, LL, ("Respondent"), violated Section 8(a)(1), 8(a)(3), and 8(a)(5) of the Act by: interrogating employees, creating the impression of surveillance, threatening unspecified reprisals, threatening employees with more stringent application of work rules, withholding benefits from employees at unionized stores, promulgating new work rules, terminating the employment of Adam Jackson, and refusing to bargain with the Union over Jackson's termination. A hearing was held before Administrative Law Judge Raymond P. Green on June 25, 26, and 27, 2012.

Judge Green issued a Decision on October 12, 2012, finding that Respondent violated Sections 8(a)(1) and (3) of the Act by interrogating employees, creating the impression of surveillance, withholding benefits from employees at unionized stores, and terminating the employment of Adam Jackson.

Since the Judge's Decision, the parties have met and have negotiated a global settlement of all charges. The non-Board Settlement Agreement provides that Adam Jackson will receive a payment of

\$40,000, which represents slightly more than 100% of what he is owed in back pay to date. Jackson has agreed to waive reinstatement. The Agreement also provides that the employees affected by the withholding of the "Goof Proof" benefit will receive a total of \$81,655.21, which represents 90% of what the group is owed in backpay. Finally, the parties have also reached agreement on a collective bargaining agreement.

On December 19, 2012, after reaching the above Settlement Agreement with Respondent covering all charges, Local 888, United Food & Commercial Workers International Union, ("the Union"), requested to withdraw the above-captioned charges. That request was directed to the Region and to the Board.

Based on all of the above, it is the Region's view that the non-Board settlement effectuates the purposes of the Act and meets the standards set forth in Independent Stave Co., 287 NLRB 740 (1987). The Respondent and the Union both support the approval of the Settlement Agreement. Therefore, the Region hereby requests that the Board remand the above cases back to the Region so that it may process the withdrawal request in light of the Settlement Agreement reached by the parties.

Dated at Brooklyn, New York, January 30, 2013.



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Date of Emailing: January 30, 2013

STATEMENT OF SERVICE OF: MOTION TO REMAND CASES BACK TO REGION.

I, the undersigned employee of the National Labor Relations Board, hereby state, under penalty of perjury that, in accordance with NLRB Rules & Regulations § 102.114(i), a copy of the foregoing was sent to each party at the addresses listed below and on the date indicated above:

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