



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 30

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www.nlr.gov

January 15, 2009

Mr. Troy E Kuppemus
1815 Pershing Road
New London, WI 54961

**Re: Woodmans Food Market
Case 30-RD-1509**

Dear Mr. Kuppemus:

The Region has carefully investigated and considered your petition in the above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your petition for the following reasons:

You filed the petition in Case 30-RD-1509 on January 12, 2009. At that time, you provided the Region with a signature sheet as your showing of interest to support the petition. The language at the top of the signature sheet stated "We the undersigned want a vote to determine whether the UFCW Local 1473 will represent us." This language is ambiguous, as it does not clearly indicate the signers no longer want the Union to represent them.

The showing of interest for an RD petition is clear as to its intent if it indicates that the employees signing the showing no longer wish to be represented by the union. NLRB Casehandling Manual (Part One) Representation Proceedings Sec. 11022.2. Here, the language on the signature sheet could give employees the impression they are signing a petition to support the Union rather than to remove the Union as their representative. Because the language on the signature sheet does not clearly indicate that employees no longer wish the Union to represent them, the petition has not been supported by an adequate showing of interest.¹

¹ You assert that a Region 30 Board Agent initially told you that the language on your showing of interest was sufficient. However, as stated above, the showing of interest for an RD petition is "clear as to its intent if it indicates that the employees signing the showing no longer wish to be represented by the Union." NLRB Casehandling Manual (Part One) Representation Proceedings Sec. 11022.2. Even assuming you were misinformed, this does not make it possible to disregard the plain language of Sec. 11022.2. Additionally, on January 7, 2009, you were told that the language was deficient and that you would need to use the correct language and secure signatures from 30 percent of the bargaining unit using the correct language. You chose to submit your petition with the deficient showing of interest language.

Your Right to Seek Review. The National Labor Relations Board's Rules and Regulations permits any party to obtain a review of this action by filing a request (eight copies) with the Executive Secretary. If you wish to seek review of this action, your attention is directed to the following.

Review Request Due Date: The request for review must be received by the Executive Secretary in Washington, D.C. by the close of business at 5:00 p.m. (ET) on January 29, 2009. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

Other Electronic Filings: In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at www.nlr.gov. On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Extension of Time to File Request for Review: Upon good cause shown, the Board may grant special permission for a longer period within which to file. A request for an extension of time should be submitted to the Executive Secretary. A copy of any such request for extension of time should be submitted to me and to each of the other parties to this proceeding and the copy must be served in the same or faster manner as that utilized in filing the request with the Board.

Request for Review Contents: Any request for review (eight copies) must contain a complete statement setting forth the facts and reasons upon which it is based. You should send a copy of the request for review to me and to each of the other parties to the proceeding. The request for review must be served in the same or faster manner as that utilized in filing the request with the Board.

Address for Request for Review: The request for review should be sent to the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570.

Very truly yours,

/s/Irving E. Gottshalk

Irving E. Gottschalk
Regional Director

cc: Ms. Patti Frederick
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Executive Secretary ***VIA E-MAIL***
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