

**United States Government
NATIONAL LABOR RELATIONS BOARD**

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March 20, 2007

Mr. David Bachman
Mail Contractors of America
100 Morgan Keegan Drive, Suite 200
Little Rock, AR 72202

Mr. Scott Fairbank
1907 West Habitat Street
Nampa, ID 83651

Mr. Jim Spina
Des Moines Area Local 44,
American Postal Workers Union, AFL-CIO
1200 E. Euclid Avenue
Des Moines, IA 50313

**Re: MAIL CONTRACTORS OF AMERICA
Case No. 18-RD-2464**

Gentlemen:

This is to inform you that I will continue to hold this petition in abeyance pending the remedy of the unfair labor practices in Case Nos. 18-CA-17636 and 18-CA-18184, and the completion of the investigation of 18-CA-18339.

This petition was filed on July 24, 2003, seeking a decertification election among certain of the Employer's employees working out of the Des Moines, Iowa terminal. Since the filing of this petition, there have been a number of unfair labor practice charges filed against the Employer. At the present time, Case No. 18-CA-17636, involving conduct in the unit covered by the petition, is pending in enforcement following a Board Order confirming the decision of an Administrative Law Judge. Case No. 18-CA-18184, also involving conduct in the petitioned-for unit, is scheduled to be heard before an Administrative Law Judge on April 10, 2007. Case No. 18-CA-18339 filed on March 15, 2007 by Des Moines Area - American Postal Workers Union Local 44, AFL-CIO, alleges unilateral changes to the MCA Employee Health Insurance Program/Plan coverage agreement covering employees in the petitioned-for unit. This is to inform the parties that I will continue to hold this matter in abeyance pending the remedy of these unfair labor practice cases, and the investigation of Case 18-CA-18339, at which time I will resume processing of the petition.

My reasons for not dismissing the petition in light of the unfair labor practices are that there is neither evidence that the showing of interest in support of the petition was tainted by the unfair labor practices, nor are the independent 8(a)(1) allegations found in connection with the

investigation of the unfair labor practices inherently inconsistent with the existence of the petition.

My reason for holding the petition in abeyance until the unfair labor practices are remedied is that the unfair labor practices are of a type that, if left unremedied, would have a tendency to interfere with employee free choice in an election. I will therefore hold this petition in abeyance until disposition of the unfair labor practice charges. This petition is no longer being held in abeyance to Case 17-CA-23250 (formerly 18-CA-16965).

Your Right to Obtain a Review of Abeyance Action: Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, any party may obtain a review of this action by filing a request for review with the Executive Secretary of the National Labor Relations Board at 1099 – 14th Street, NW, Washington, DC 20570-0001. A request for review may not be filed by facsimile. You may, however, file a request for review electronically via the Internet in accordance with instructions found at the Agency's Internet website at www.nlrb.gov under "E-Gov". If you file a request for review, you must also send a copy to the other parties to this proceeding and to me in the same or faster manner as that used to serve the Board. Also, please note the following:

Request for Review Due date: The request for review must be received by the Executive Secretary for the Board in Washington, DC by the close of business at 5:00 p.m. EST (EDT) on **April 3, 2007**. 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.

Extension of Time to File Request for Review: Upon good cause shown, however, the Board may grant special permission for a longer period within which to file a request for review. Any request for an extension of time may be filed in writing, by facsimile or electronically via the Internet, but must be received in Washington, DC no later than the request for review due date indicated above. A copy must be sent to each of the parties to this proceeding and to me in the same or faster manner as that used to serve the Board.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to hold this petition in abeyance. The request for review and any request for extension of time must include a statement as to the manner of service on the other parties to this proceeding and on me.

Very truly yours,

/s/ Robert W. Chester

Robert W. Chester
Regional Director

RWC:ob

cc: See page 3.

cc:

Office of the Executive Secretary
National Labor Relations Board
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Washington, DC 20570-0001

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