

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

**FALCON TRUCKING, LLC. and
RAGLE, INC., a single employer
and/or joint employer**

and

**CHAUFFEURS, TEAMSTERS and HELPERS,
LOCAL UNION NO. 215 a/w INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

**Cases 25-CA-188022
25-CA-190267
25-CA-235780**

CORRECTED ORDER¹

The Union’s request for special permission to appeal the Regional Director’s October 2, 2020, dismissal of the charges in Cases 25-CA-188022, 25-CA-190267, and 25-CA-235780, and her January 27, 2022, withdrawal of the Complaint Based on Breach of Affirmative Provisions of Settlement Agreement in Cases 25-CA-132518, 25-CA-135316, 25-CA-135335, and 25-CA-159531 is denied.

Section 3(d) of the Act provides that “[t]he General Counsel of the Board . . . shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints . . . , and in respect of the prosecution of such complaints before the Board” Section 101.6 of the National Labor Relations Board’s Rules and Regulations further clarifies that the Regional Director has the prosecutorial discretion to dismiss a charge if investigation reveals that dismissal is appropriate. Additionally, the Regional Director has the prosecutorial discretion under Section 102.18 of the Board’s Rules and Regulations to withdraw a complaint *sua sponte* at any time before the hearing. *NLRB v. UFCW, Local 23, AFL-CIO*, 484 U.S. 112,

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

119, 125–130 (1987). This remains the case after, as here, a matter has been remanded by the Board back to the Region, which “has the effect of putting the complaint in a prehearing posture.” *Olympia Fields Osteopathic Medical Center*, 278 NLRB 853, 853 (1986). Her exercise of that discretion is not subject to Board or court review. *NLRB v. UFCW*, 484 U.S. at 126–128, 130; *Sheet Metal Workers Local 28 (American Elgen)*, 306 NLRB 981, 981–982 (1992). Accordingly, these decisions by the Regional Director are not subject to appeal to the Board under Section 102.26 of the Board’s Rules and Regulations. See, e.g., *United Natural Foods, Inc., d/b/a United Natural Foods, Inc. and Supervalu Inc., (UNFI)* 370 NLRB No. 127, slip op. at 1 (2021). Instead, the Charging Party may appeal the Regional Director’s decisions to the General Counsel consistent with Section 102.19 of the Board’s Rules and Regulations.²

Dated, Washington, D.C., May 9, 2022.

Marvin E. Kaplan, Member

Gwynne A. Wilcox, Member

David M. Prouty, Member

(SEAL)

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² The denial of the Union’s request for special permission to appeal has no impact on the Union’s pending appeal with the Office of Appeals regarding the Regional Director’s October 2, 2020, dismissal of the charges in cases 25-CA-188022, 25-CA-190267, and 25-CA-235780.