



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794

January 8, 2013

BRADFORD KEMP
786 Rice Street
WOOD RIVER, IL 62095-2341

Re: Concrete Supply LLC d/b/a Concrete
Supply of Illinois
Case 14-CA-093262

Dear Mr. KEMP:

We have carefully investigated and considered your charge that CONCRETE SUPPLY LLC D/B/A CONCRETE SUPPLY OF ILLINOIS has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that on October 29, 2012, the Employer discriminated against you by suspending and discharging you in order to discourage activities or membership in Teamsters Local 525. The investigation disclosed that you were discharged in about May 2009 for altering your timecard, and that you were reinstated in about June 2012, pursuant to an arbitration award which reinstated you without back pay and under a last chance agreement. The investigation further disclosed that on October 26, 2012, you reported that you would be late for work because your truck would not start, but you later failed to report that you would be absent the entire day, which violated the terms of your last chance agreement. On October 29, 2012, you were told you were suspended because you did not report to work on October 26. Thereafter, you wrote on your timecard for October 26 and 29, 2012, that you were taking 8 hours of vacation for those days, which vacation was not approved and constituted an alteration of your timecard in violation of the last chance agreement. Following an investigation, the Employer discharged you for violating the terms of your last chance agreement. The investigation also disclosed that the Employer has disciplined other employees for failing to report an absence and for altering timecards. In these circumstances, the investigation failed to establish that the Employer suspended and discharged you because of your union activities rather than your failure to report an absence and subsequent alteration of your time card. Accordingly, I am declining to issue complaint.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

January 8, 2013

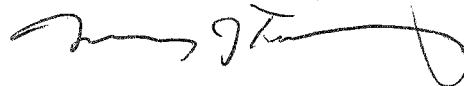
Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **January 22, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **January 19, 2013**.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before January 22, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



MARY J. TOBEY
Acting Regional Director

Enclosure

(cc's on the following page)

cc GENERAL COUNSEL
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NATIONAL LABOR RELATIONS
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