

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

**AMERICAN POSTAL WORKERS UNION
(UNITED STATES POSTAL SERVICE)**

and

Case 05-CB-150339

LOUIS MAZUREK

and

Case 05-CB-150853

SCOTT ALVIN FONTAINE

ORDER

Respondent American Postal Workers Union's Motion to Dismiss or for Summary Judgment is denied. The Respondent has failed to establish that the complaint allegations should be deferred to its grievance and arbitration procedure with the United States Postal Service pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971). See, e.g., *United Technologies Corp.*, 268 NLRB 557, 560 (1984); *Machinists Lodge 1129 (Sunbeam Corp.)*, 219 NLRB 1019 (1975), overruled on other grounds *Steelworkers Local 72 (Asarco, Inc.)*, 309 NLRB 964 (1992). The Respondent also has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law.

Dated, Washington, D.C., September 16, 2016

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER