

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

AMAZON.COM SERVICES, LLC
AND ITS SUBSIDIARY, AMAZON AIR

and

Cases 09-CA-307021
09-CA-310708

GRIFFIN RITZE, AN INDIVIDUAL

and

09-CA-314834
09-CA-316073
09-CA-316086
09-CA-316439

STEVEN KELLEY, AN INDIVIDUAL

and

NICHOLAS HAUSER, AN INDIVIDUAL

and

09-CA-316422

BRAEDEN PIERCE, AN INDIVIDUAL

and

09-CA-316429

JASON GAY, AN INDIVIDUAL

09-CA-316568

ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT
AND
NOTICE OF HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 09-CA-307021 and 09-CA-310708, which are based on charges filed by Griffin Ritze, an individual, (Ritze), Cases 09-CA-314834, 09-CA-316073, 09-CA-316086, and 09-CA-316439, which are based on charges filed by Steven Kelley, an individual (Kelley), Case 09-CA-316422 filed by Nicholas Hauser, an individual (Hauser), Case 09-CA-316429 filed by Braeden Pierce,

an individual (Pierce), and Case 09-CA-316568 filed by Jason Gay, an individual (Gay), against Amazon.com Services, LLC and its Subsidiary, Amazon Air (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The original charge in Case 09-CA-307021 was filed by Ritze on November 14, 2022, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in Case 09-CA-307021 was filed by Ritze on November 22, 2023, and a copy was served on Respondent by U.S. mail on November 28, 2023.

(c) The original charge in Case 09-CA-310708 was filed by Ritze on January 23, 2023, and a copy was served on Respondent by U.S. mail on the same date.

(d) The first amended charge in Case 09-CA-310708 was filed by Ritze on November 22, 2023, and a copy was served on Respondent by U.S. mail on November 28, 2023.

(e) The charge in Case 09-CA-314834 was filed by Kelley on March 23, 2023, and a copy was served on Respondent by U.S. mail on March 27, 2023.

(f) The charge in Case 09-CA-316073 was filed by Kelley on March 22, 2023, and a copy was served on Respondent by U.S. mail on April 13, 2023.

(g) The charge in Case 09-CA-316086 was filed by Kelley on April 4, 2023, and a copy was served on Respondent by U.S. mail on April 13, 2023.

(h) The charge in Case 09-CA-316422 was filed by Hauser on April 17, 2023, and a copy was served on Respondent by U.S. mail on April 19, 2023.

(i) The charge in Case 09-CA-316429 was filed by Pierce on April 17, 2023, and a copy was served on Respondent by U.S. mail on April 19, 2023.

(j) The charge in Case 09-CA-316439 was filed by Kelley on April 17, 2023, and a copy was served on Respondent by U.S. mail on April 19, 2023.

(k) The charge in Case 09-CA-316568 was filed by Gay on April 7, 2023, and a copy was served on Respondent by U.S. mail on April 21, 2023.

2. (a) At all material times, Respondent has been a Delaware limited liability company, with headquarters in Seattle, Washington, and offices and places of business throughout the United States, including in Hebron, Kentucky (Respondent's facility), and has been engaged in the business of providing online retail sales as well as warehousing and distribution of consumer products throughout the United States.

(b) In conducting its operations during the 12-month period ending February 1, 2024, Respondent derived gross revenues in excess of \$500,000.

(c) During the period of time described above in paragraph 2(b), Respondent sold and shipped from its Hebron, Kentucky facility products, goods and materials valued in excess of \$50,000 directly to points outside the Commonwealth of Kentucky.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Karthik Bagavathi Pandian - General Manager
Joshua McWilliams - Area Manager

Kyle Makemson	- Area Manager
Unknown	- Security Guard/Account Manager
Kris Moore	- Senior Operations Manager
Jason Lum	- Operations Manager
Kevin Haider	- Operations Manager
Husam Al Hili	- Aviation Security Manager
Shawn Baxter	- Employee Relations Manager
Kylie _____	- Shift Manager

(b) At all material times, Tracey Mause held the position of Learning Trainer and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

4. At all material times the Amazon Labor Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. (a) At all material times, Respondent has maintained at all of its facilities nationwide in the United States, including its facility listed above in paragraph 2(a), its “Amazon Solicitation Policy” (last revised on February 22, 2022). (Attached hereto as Exhibit A)

(b) About November 10, 2022, Respondent, by an unknown security guard who identified himself as “the account manager,” in the main breakroom in the ramp/ground support equipment (GSE) building at Respondent’s facility, enforced the rule described above in paragraph 5(a) selectively and disparately by:

(i) Informing employees that they were not permitted to distribute handbills in favor of unionization; and

(ii) Threatening employees with “escalation” of the matter and interrogation about their union activities because they distributed handbills in favor of unionization.

(c) About January 17, 2023, Respondent, by Joshua McWilliams, near the smoking area outside the ramp building at Respondent’s facility, enforced the rule described above in paragraph 5(a) selectively and disparately by ordering employees to cease distributing union-related flyers.

6. (a) About March 17, 2023, Respondent, by unidentified supervisors and managers, promulgated the following rule: be prepared to show your badge to access any entrance to parking lots at KCVG, as these areas are not public property.

(b) Respondent promulgated the rule described above in paragraph 6(a) to discourage its employees from forming, joining, or assisting the Union or engaging in other protected concerted activities.

(c) About March 18, 2023, Respondent, by the individuals named below, in the parking lot at Respondent's facility, enforced the rule described above in paragraph 6(a) as follows:

(i) By Area Manager Kyle Makemson, Operations Manager Jason Lum, and other supervisors or managers and security officers of Respondent whose names are currently unknown to the General Counsel, by requiring employees to show their badges to gain entry to the parking lot;

(ii) By General Manager Karthik Bagavathi Pandian, shift manager Kylie (last name unknown), Aviation Security Manager Husam Al Hili, and other supervisors or managers and security officers of Respondent whose names are currently unknown to the General Counsel, by telling employees and non-employee union organizers that they were not allowed to be in the parking lot;

(iii) By General Manager Karthik Bagavathi Pandian, by threatening to call the police on non-employee union organizers and have them arrested for trespassing if they failed to leave the parking lot; and

(iv) By General Manager Karthik Bagavathi Pandian, Area Manager Kyle Makemson, and Operations Manager Jason Lum, by engaging in surveillance of employees engaged in union activities.

7. About March 31, 2023, Respondent, by Senior Operations Manager Kris Moore and Operations Manager Kevin Haider, by telling employees that it knew that an employee had been soliciting employees on the workroom floor, created an impression among its employees that their union activities were under surveillance by Respondent.

8. About April 3, 2023, Respondent, by General Manager Karthik Bagavathi Pandian, required employees' attendance at mandatory meetings, which Respondent conducted for the purpose of discouraging employees from supporting the Union.

9. About April 17, 2023, Respondent, by Learning Trainer Tracy Mause, threatened employees with being denied reappointment to learning ambassador positions because they supported the Union.

10. (a) About April 17, 2023, Respondent failed to reappoint to their Learning Ambassador positions the employees named below:

Steven Kelley
Nicholas Hauser
Braeden Pierce

(b) Respondent engaged in the conduct described above in paragraph 10(a) because the named employees of Respondent formed, joined, and assisted the union and engaged in concerted activities and to discourage employees from engaging in these activities.

11. By the conduct described above in paragraphs 5(b) and (c), 6, 7, 8 and 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12. By the conduct described above in paragraph 10, Respondent has been discriminating in regard to the hire or tenure or terms and conditions of employment of its employees, thereby

discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

13. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring that Respondent:

(1) Physically post the Notice to Employees (“Notice”) in all locations where Respondent typically posts notices to employees, including but not limited to employee breakrooms (Table Top displays) and in all “inStallments” (employee bathrooms and bathroom stalls), and that Respondent electronically distribute the Notice by all methods that Respondent communicates with its employees, including but not limited to email, text message, social media, Voice of Associates (VOA) and applications, including the Amazon A to Z app and its “inSites.” The physical and electronic Notice shall be in English and in Spanish and any other languages deemed necessary to apprise employees of their Section 7 rights;

(2) Physically post the Notice of Employee Rights in all locations where Respondent typically posts notices to employees, including but not limited to employee breakrooms (Table Top displays) in all “inStallments” (employee bathrooms and bathroom stalls), and that Respondent electronically distribute the Notice of Employee Rights by all methods that Respondent communicates with its employees, including but not limited to email, text message, social media, Voice of Associates (VOA) and applications, including the Amazon A to Z app and its “inSites.” The physical and electronic Notice of Employee Rights shall be in English and Spanish, and any other languages deemed necessary to apprise employees of their Section 7 rights;

(3) By a representative of Respondent, read the Notice to Employees, in English and any other languages deemed necessary, in the presence of a Board Agent and the Charging Parties, at a meeting(s) convened by Respondent for each of its facilities nationwide, such meeting(s) to be scheduled during work hours and to ensure the widest possible employee attendance;

(4) Schedule with Region 9 of the National Labor Relations Board a mandatory training session(s) for all Respondent supervisors, managers, and agents (including security personnel and all outside labor or management consultants) covering the rights guaranteed to employees under Section 7 of the Act and submit an attendance list to the Regional Director within 7 days of the training session(s);

(5) Hand-deliver and email the signed Notice to all supervisors, managers, and agents, along with written instructions signed by Respondent's representative, directing them to comply with the provisions of the Notice, and provide the Regional Director of Region 9 written proof of compliance;

(6) Rescind the unlawful "Solicitation Policy" described above in paragraph 4 at all Respondent facilities where that policy is in effect and provide appropriate written and electronic notification to all employees at each of those facilities that Respondent has rescinded the Solicitation Policy. Should Respondent wish to reinstate a lawful solicitation policy after the conclusion of the Notice Posting period, Respondent must include a disclaimer that Respondent will not apply or enforce the policy discriminatorily to Section 7 activities;

(7) Reinstate Kelley, Hauser, and Pierce to their previously held Learning Ambassador positions.

The General Counsel further seeks all other relief found to be just and proper to remedy the unfair labor practices alleged and effectuate the policies of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before March 19, 2024, or postmarked on or before March 18, 2024.**

Respondent also must serve a copy of the answer on each of the other parties. The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions.

Responsibility for the receipt and usability of the answer rests exclusively upon the sender.

Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed

untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **April 22, 2024, 1 p.m.**, at **Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 5, 2024

A handwritten signature in blue ink that reads "Eric A. Taylor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric A. Taylor, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Attachment



amazon



Inside Amazon (/en/Pages/default.aspx) > Amazon Solicitation Policy

Published by/Contact Information:

Intended Audience:

Last Revised: 2/22/2022

Related Policies

[Richtlinie: Amazon-Richtlinie zu Werbung \(German\)](#)
[\(/en/Amazon-solicitation-policy_DEU/Pages/default.aspx\)](#)

Related Information

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Purpose

The orderly and efficient operation of Amazon's business requires certain restrictions on solicitation of employees and the distribution of materials or information on company property. This includes solicitation via company bulletin boards or email or through other electronic communication media.

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Applicability

This policy applies to all employees.

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Policy

The following activities are prohibited:

- Solicitation of any kind by employees on company property during working time;
- Distribution of literature or materials of any type or description (other than as necessary in the course of our job) by employees in working areas at any time; and
- Solicitation of any type on company premises at any time by non-employees.

Examples of prohibited solicitation include the sale, advertising, or marketing of merchandise, products, or services (except as allowed on for-sale@ alias), soliciting for financial or other contributions, memberships, subscriptions, and signatures on petitions, or distributing advertisements or other commercial materials.

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Exceptions

The only exceptions to this policy are communications for company-sponsored activities or benefits, or for company-approved charitable causes, or other specific exceptions formally approved by the company. All communications under these exceptions must also have prior approval of Human Resources. Violation of this policy may result in immediate disciplinary action, up to and including termination of employment.

Solicitation Policy FAQ

What are some examples of solicitation that are prohibited, unless legally protected?

- The sale, advertisement, or marketing of things like merchandise, products, subscriptions, or services (except as allowed on for-sale@ alias).
- Distributing advertisements, marketing communications, or other commercial materials.
- Solicitation for financial or other contributions (for example, money, time, services) for any cause, including a charity.
- Solicitation for memberships, subscriptions, or signatures on petitions.
- Distribution of literature or materials of any kind.
- Organizing or seeking participation in political, charitable, or protest activities.
- Encouraging others to sign up for a mailing or distribution list used for any of the above purposes.

What is included in company property?

- All company property including meeting spaces, offices, cafes, lobbies, and outdoor areas.
- All company equipment including bulletin boards, furniture, mail slots, elevators, and posters.
- All company electronic systems including email, Phone Tool, Amazon Wiki, Chime, and calendaring.

What are the exceptions?

As exceptions to this policy, solicitation is permitted for:

- Company-sponsored benefits (for example, health plans and employee discount programs).
- Company-sponsored business activities (for example, internal marketing and advertising, company events, and learning activities).
- Company-approved charitable causes.
- Specific exceptions approved by Human Resources.
- All legally protected activity as defined under local law.

In the US, when is solicitation legally protected?

In the US, solicitation is legally protected if it:

- Does not use any company electronic systems (for example, email, Phone Tool, Amazon Wiki, Chime, and calendaring), company equipment (for example, bulletin boards, furniture, mail slots, elevators, and posters); and
- Relates to terms and conditions of employment. Terms and conditions of employment include pay, work hours, benefits, and job duties. They do not include the products we sell, our customers, and non-work related social or political causes; and
- Happens during non-working time.

Additionally, if solicitation involves distributing materials or literature, to be legally protected in the US, it must also occur outside working areas (spaces where work is done, as opposed to break rooms, cafes, and so on)

What makes something company-sponsored or a company-approved charitable cause?

Sponsorship from an Amazon business as approved by an Amazonian L8+.

How do I get approval by Human Resources?

Submit a ticket (<https://issues.amazon.com/issues/search?q=status:%28Open%29+assignedFolder:%2897c7621d-80bd-4dd6-afd2-95dfb96d11e2%29&sort=lastUpdatedDate+desc&selectedDocument=afe8f938-68bd-467a-a7b4-87a7d45d62e1>). Include the details of the activity you would like to engage in, including what relation it bears to Amazon's business or goals. Exceptions are rare and must directly benefit Amazon's business.

What about solicitation by Amazon Affinity Groups?

Affinity Group executive sponsors may approve exceptions for their group.

Am I responsible for ensuring that my visitors follow the Policy?

Yes.



INSIDE AMAZON HELP

Need Help with Inside Amazon?

[Inside Contact Page](#)
([/en/About/inside/Pages/NeedHelp.aspx](#))

Employee Resource Center

Please contact the Employee Resources Center (ERC) to get HR help with policy or any employment related questions or use our [self-service resources](#) (<https://inside.hr.amazon.dev/us/en/employment/getting-hr-help.html>).

Code of Conduct Reporting

Amazon employees should always act lawfully, ethically, and in the best interests of Amazon in performing their job duties. To report violations of the [Code of Business Conduct and Ethics](#) ([/en/services/legal/us/codeofconduct/Pages/ConductandEthics.aspx](#)), contact [Amazon's Ethics Line](#) (<https://secure.ethicspoint.com/domain/media/en/gui/44171/index.html>).

Phone: +1-877-781-2416

SECURITY QUESTIONS OR ISSUES

Emergencies

Call 911 or your local emergency number

Amazon Corporate Security (ACS)

+ Global Security Operations Center (GSOC)

+ Amazon Web Services Security Operations Center (AWS SOC) +

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 09-CA-307021

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Adrian Melendez, Director of Operations, Amazon Air (KCVG), Amazon.com Services LLC and its Subsidiary, Amazon Air, 460 Day One Dr, Florence, KY 41042

Jamie R. Rich, Esq, Seyfarth Shaw LLP, 560 Mission Street, Suite 3100, San Francisco, CA 94105-2930

Lisa Nichols, Attorney, Seyfarth Shaw LLP, 999 3rd Ave, Suite 4700, Seattle, WA 98104-4041

Mr. Griffin Ritze, 2949 Kling Ave, Apt 3, Cincinnati, OH 45211

Mr. Steven Lee Kelley, 282 McDaniel St, Sanders, KY 41082

Mr. Braeden Pierce, 778 Kenton Station Rd, Alexandria, KY 41001

Mr. Nicholas Hauser, 901 Edgecomb Drive, Apt 5, Milford, OH 45150

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.