



NATIONAL MEDIATION BOARD
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43 NMB No. 27

June 1, 2016

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Re: NMB File No. C-7153/Case No. R-7381
Frontier Airlines

Participants:

This determination addresses the request from the Air Line Pilots Association, International (ALPA) to transfer the certification in Case R-7381 from the Frontier Airline Pilots Association (FAPA) to ALPA. For the reasons discussed below, the National Mediation Board (NMB or Board) grants the request and transfers FAPA's certification in R-7381 to ALPA.

BACKGROUND

FAPA was certified to represent the Pilots on Frontier Airlines, Inc. (Frontier or Carrier) in Case No. R-7381. *Frontier Airlines*, 41 NMB 88 (2014). In a letter dated May 18, 2016, ALPA and FAPA notified the Board of the merger of the two organizations, effective June 1, 2016, and requested that the

Board transfer FAPA's certification to ALPA. The Board notified the Carrier of the request and gave the Carrier until May 26, 2016 to provide the Board with any comments. The Carrier did not submit any comments in this matter.

THE MERGER OF FAPA AND ALPA

The officers of both FAPA and ALPA make this request pursuant to the terms of the Merger Agreement signed by the parties on May 18, 2016 and effective June 1, 2016. Both Organizations have met all requirements under their Merger Agreement for a transfer of certifications to ALPA. Consistent with their respective Constitutions and By-laws, both Organizations have approved the Agreement.

In January 2016, ALPA's Executive Council approved the Merger Agreement. The members of FAPA voted overwhelmingly (93%) to ratify the Merger Agreement and transfer representation rights to ALPA in a secret ballot election in April 2016. Following FAPA's vote, ALPA's Executive Council gave final approval of the merger on May 17, 2016 and the Executive Council ratified the Merger Agreement at its May 18-19, 2016 meeting.

DISCUSSION

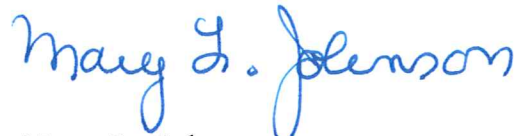
The Railway Labor Act* requires only that the Board investigate a transfer of certification based on a union merger, rather than mandating any procedures for such an investigation. *Continental Airlines, Inc., v. Nat'l Mediation Brd.*, 793 F. Supp. 330 (D.D.C. 1991), *aff'd mem.*, 957 F.2d 911 (D.C. Cir. 1992), *cert. denied*, 506 U.S. 827 (1992).

In most instances, the Board grants a transfer request based upon assertions contained in the request letters. *Long Island R.R.*, 42 NMB 121 (2015); *Kyle R.R. Co.*, 40 NMB 248 (2013); *Miami Air Int'l, Inc.*, 34 NMB 195 (2007); *Capital Cargo Int'l Airlines, Inc.*, 34 NMB 190 (2007); *St. Lawrence & Atlantic R.R., Inc.*, 32 NMB 49 (2004). The Board views an organization's decision to merge into another organization as an internal union matter and will grant requests for transfers of certification based on union mergers unless there is evidence of fraud or gross abuse in the merger or election. *Northwest Airlines*, 18 NMB 446, 448 (1991).

* 45 U.S.C. §151, *et seq.*

There is no evidence of fraud or gross abuse in the merger or election process in this case. In accordance with the Merger Agreement and both Organizations' Constitutions and By-laws, FAPA members approved the merger with ALPA by majority vote in a secret ballot election. Based on its investigation, the Board finds that FAPA has merged with ALPA. The Board's records are revised to reflect the transfer of the certification issued to FAPA in NMB Case No. R-7381 to ALPA.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel