



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

(202) 692-5000

41 NMB No. 33

July 16, 2014

VIA EMAIL

Todd F. Palmer, Esq.
David J. Kaufman, Esq.
Calfee, Halter & Griswold, LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114-1607

George Katsikas
CEO
Aitheras Aviation Group, LLC
1601 North Marginal Road
Cleveland, OH 44114

Jeffrey Rusich
Senior International Rep
OPEIU
P.O. Box 553
Crockett, CA 94525

Kevin Kistler
Director-Organization & Field Services
OPEIU
80 Eighth Avenue, 20th Floor
New York, NY 10011-7130

Re: NMB Case No. R-7382
Aitheras Aviation Group, LLC/OPEIU

Participants:

This determination addresses the July 14, 2014 appeal by Aitheras Aviation Group, LLC (Aitheras or Carrier) of the Investigator's July 11, 2014 eligibility ruling regarding Adriano Stavole. For the reasons set forth below, the appeal is denied.

The Investigator's ruling provided the following: "Any appeal of this ruling must be filed with the National Mediation Board (Board) by **12 noon ET** on **Monday, July 14, 2014**, in accordance with the Board's Representation Manual (Manual) Section 10.2. . . . No extensions of time will be granted." Manual Section 10.2 states that appeals of eligibility rulings must be directed to the General Counsel. Section 10.2 further states that if a ruling is not appealed by the deadline, "the Investigator's ruling is final."

This appeal was not received by the deadline; it was filed after **2p.m. ET** on **July 14, 2014**. According to Section 10.2, the Investigator's ruling is final. The tally in this case is scheduled for 2p.m. on Wednesday, July 16, 2014. This is not the first deadline disregarded by the Carrier. The Carrier did not respond to the Office and Professional Employees International Union's (OPEIU) challenge of Mr. Stovale within deadlines set forth in the Investigator's Challenges and Objection letter dated June 12, 2014. An additional request for information that could only be provided by the Carrier led to the July 11, 2014 eligibility ruling and then the current appeal at this late date.

In addition to being untimely, the appeal was not directed to the General Counsel as required by Section 10.2.

In its July 14, 2014 correspondence, the Carrier states, “[a]lternatively, please consider this correspondence as the Carrier’s request for reconsideration of said determination pursuant to Representation Manual § 11.” Manual Section 11 outlines requirements for motions for reconsideration of Board determinations, not investigator rulings, and is not applicable here.

The Carrier’s July 14, 2014 correspondence is an untimely appeal of the Investigator’s July 11, 2014 ruling and is denied.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
General Counsel