

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

**THE HEIL CO., INC.
d/b/a HEIL ENVIRONMENTAL**

and

**Cases 10-CA-080758
10-CA-082249**

**UNITED STEEL, PAPER &
FORESTRY, RUBBER,
MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL & SERVICE
WORKERS, AFL-CIO-CLC**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-631897 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena at issue here was served on the subpoenaed party on July 20, 2012. Thus, the instant petition, which was filed July 30, 2012, is untimely. Accordingly, the petition is denied.²

Dated, Washington, D.C., September 25, 2012.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² We additionally deny the petition to revoke on the merits because the subpoena seeks information relevant to the matter under investigation, describes with sufficient particularity the evidence sought, and the Employer failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).