

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON D.C.**

DOUGLAS AUTOTECH CORPORATION

Respondent

and

CASE 07-CA-51428

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO, AND ITS
LOCAL 822

Charging Union

GENERAL COUNSEL'S CROSS-EXCEPTIONS

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended, the General Counsel respectfully files cross-exceptions to the Decision of Administrative Law Judge Paul Buxbaum dated January 5, 2010. The General Counsel excepts to the following findings, conclusions, and recommendations of the Administrative Law Judge on the grounds that they are contrary to the law and evidence, and not supported by the record. The General Counsel further excepts to the Administrative Law Judge's failure to make certain findings and conclusions on the grounds that his failure to do so is contrary to the mandate of Section 102.45 that an Administrative Law Judge's Decision "must include findings of fact, conclusions, and the reasons therefor, upon all material issues of fact, law, or discretion presented on the record."

EXCEPTIONS¹

1. The General Counsel takes exception to the part of the Administrative Law Judge's legal analysis stating: "... *had the Employer discharged the bargaining unit members during the duration of the ongoing strike from May 1 to May 5, there would be no legal basis to challenge that decision*" (emphasis added) to the extent that the judge's use of the term "bargaining unit members" includes employees who did not participate in the strike; i.e., the employees on layoff or approved leave at the time of the strike. [ALJD at 25]. [Portions of the record relied on: GC 16; GC 44 at pages 7-10; GC 47; GC 48; GC 49; Tr at 68-72; 117-120; 295-297; 404; 462-465; 720-723; ALJD at 7].²

2. The General Counsel takes exception to the Administrative Law Judge's failure to make conclusions of law that those employees on layoff or approved leave at the time of the strike did not engage in a strike within the meaning of Section 8(d); and thus did not lose their protected status between May 1 and May 5, 2008. [Portions of record relied on: GC 16; GC 44 at pages 7-10; GC 47; GC 48; GC 49; Tr at 68-72; 117-120; 295-297; 404; 462-465; 720-723; ALJD at 7].

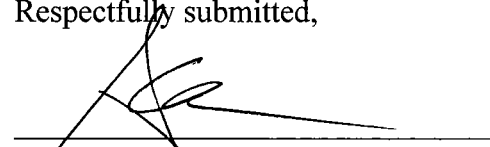
¹ The following references are used in these exceptions:

Transcript: Tr (followed by page number)
General Counsel Exhibit: GC (followed by exhibit number)
Respondent Exhibit: R (followed by exhibit number)
Charging Party Exhibit: CP (followed by exhibit number)
Joint Exhibit: J (followed by exhibit number)
ALJ Exhibit: ALJ (followed by exhibit number)

² Additional references to the record and supporting legal authorities and argument in support of these exceptions are set forth in the brief filed herewith.

Dated at Grand Rapids, Michigan, this 26th day of May 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven Carlson', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Steven Carlson
Counsel for the General Counsel
National Labor Relations Board
Region Seven, Resident Office
Grand Rapids, Michigan