

## Summary Of NLRB Decisions For Week Of Oct. 24-28

November 4, 2016 | [National Labor Relations Board, Labor Relations](#)

The summary of NLRB decisions for the week of Oct. 24-28 is [now available](#). **Summarized Board Decisions *Trinity Technology Group, Inc.*** (12-CA-165643; 364 NLRB No. 133) Manassas, VA, October 25, 2016.

The Board denied the Respondent's motion for summary judgment without prejudice to the Respondent's right to renew its arguments to the administrative law judge and before the Board on any exceptions that may be filed to the judge's decision, if appropriate, finding that the Respondent failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law. Concurring, Member Miscimarra agreed with the denial of the Respondent's motion because here, consistent with his concurring position in *L'Hoist North America of Tennessee, Inc.*, 362 NLRB No. 110 (2015), the General Counsel described, in reasonably concrete terms, why, based on material facts that are genuinely in dispute, a hearing is required. Nonetheless, he expressed concern that the General Counsel's opposition inappropriately appears to presume that the Board will deny motions for summary judgment and conclude that a hearing is necessary merely because a respondent has denied liability, or merely because the General Counsel disagrees with the respondent's version of events. Noting that he does not prejudge whether the employee in this case engaged in protected concerted conduct, he stated that the absence of "evidence" supporting the General Counsel's legal theory would be a reason that summary judgment should be granted, not denied, and the General Counsel's disagreement does not, standing alone, mean that summary judgment should be denied. Charge filed by an individual. Chairman Pearce and Members Miscimarra and McFerran participated.

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