

## NLRB WEEKLY SUMMARY OF DECISIONS, JUNE 29 – July 2, 2015

July 16, 2015 | [National Labor Relations Board, Labor Relations](#)

The Summary of NLRB decisions for the week of June 29 – July 2, 2015, is now available. **Summarized Board Decisions East Market Restaurant, Inc.** (02-CA-120982, et al., 362 NLRB No. 143) New York, NY, June 30, 2015. The Board granted the General Counsel's motion for default judgment based on the Respondent's withdrawal of its answer to the complaint. Accordingly, the Board found that the Respondent violated Section 8(a)(4), (3), and (1) by discharging two employees because they assisted the Union and engaged in concerted activities and to discourage employees from engaging in these activities, and because one employee cooperated in a Board investigation, and that it violated Section 8(a)(1) by threatening employees with unspecified reprisals, criminal charges, closure of the restaurant, and discharge. In addition, the Board found that the Respondent violated Section 8(a)(5) and (1) by closing its facility and terminating unit employees without affording the Union an opportunity to bargain with the Respondent with respect to the effects of this conduct. The Board ordered the Respondent to offer reinstatement to the two discharged employees in the event that it resumes the same or similar business operations, make them whole for any loss of earnings and other benefits they may have suffered as a result of the Respondent's unlawful conduct, compensate the employees for any adverse tax consequences of receiving lump-sum backpay awards and file a report with the Social Security Administration allocating the backpay awards to the appropriate calendar quarters, remove references to the unlawful discipline and discharges from the employees' files, and mail a notice to employees. In addition, the Board ordered the Respondent to bargain, on request, about the effects of the decision to close its facility, and it also ordered a *Transmarine* remedy for this violation. The Board declined at this time to order the relief the General Counsel requested in the complaint—to reimburse the employees for any out-of-pocket expenses incurred while searching for work as a result of the discrimination against them—stating that the relief sought would involve a change in Board law, that the appropriateness of this proposed remedy should be resolved after a full briefing by the affected parties, and that there has been no such briefing in this case. Charges filed by 318 Restaurant Workers Union. Chairman Pearce and Members Miscimarra and Hirozawa participated. To read more, visit the [NLRB's website](#).

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