



**NATIONAL MEDIATION BOARD**  
WASHINGTON, D.C. 20572

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May 31, 2013

**VIA EMAIL**

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Re: NMB Case No. R-7365  
AA/IBT/AMFA/TWU

Participants:

This letter addresses the application filed by the Aircraft Mechanics Fraternal Association (AMFA) with the National Mediation Board (Board) alleging a representation dispute among the Mechanics and Related Employees

craft or class at American Airlines, Inc. (American or Carrier) and intervening in NMB Case No. R-7365. For the reasons set forth below, AMFA's application will not be accepted.

#### PROCEDURAL BACKGROUND

On May 28, 2013, the International Brotherhood of Teamsters (IBT) filed an application pursuant to 45 U.S.C. Section 152, Ninth, alleging a representation dispute among Mechanics and Related Employees at American. These employees are currently represented by the Transportation Workers Union (TWU). IBT's application was docketed that same day as NMB Case No. 7365. The docketing letter directed the Carrier to provide a list of eligible employees (List) and signature samples by June 10, 2013. The letter further stated that "[u]ntil an applicable list and the signature samples are received by the Investigator, the Investigator will continue to accept additional authorization cards." The Board assigned Maria-Kate Dowling and Norman L. Graber to investigate.

Prior to 4 p.m. on May 28, 2013, American filed the List and signature samples with the Board. At 4:11 p.m. on May 28, 2013, the Board received a facsimile application from AMFA intervening in NMB Case No. 7365 and applicant notice of appearance. The facsimile application was signed by George Diamantopoulos. AMFA's application with original signatures accompanied by original authorization cards were received by at the Board's office on May 29, 2013.

#### DISCUSSION

Section 1203.2 of the NMB's Rules and Section 1.02 of the Board's Representation Manual (Manual) set forth the requirements for applications for the services of the NMB under Section 2, Ninth, to investigate a representation dispute among a carrier's employees. AMFA's application fails to meet these requirements.

Manual Section 1.02 states that "[o]nly applications with original signatures submitted to the NMB's office in Washington, DC, and accompanied by original authorization cards will be accepted. Applications and authorization cards will not be accepted by facsimile or electronic mail." Accordingly, the facsimile application from AMFA received by the Board on May 28, 2013 is not a valid application.

Manual Section 1.02 further provides that the requirements of NMB Rule 1203.2 must be satisfied and therefore to be valid. Manual Section 1.02 (1)

states that the application must be “signed by the chief executive officer of the international or national organization or other *specifically designated and*

*authorized officers.*” (emphasis added). Neither the facsimile application received May 28, 2013 nor the original application received May 29, 2013 was signed by AMFA’s chief executive officer of the international or national organization. Both were signed by George Diamantopoulos whose title is listed as “Attorney.” He is an attorney with the firm of Seham, Seham, Meltz & Petersen in White Plains, New York. No specific designation or authorization from AMFA’s chief executive officer to Mr. Diamantopoulos for purposes of filing an application was provided to the Board. Accordingly, AMFA’s May 29, 2013 original application is not a valid application.

Manual Section 1.02(4) requires that the application be “accompanied by signed authorization cards from the employees in the craft or class in dispute.” AMFA’s May 28, 2013 facsimile application was not accompanied by cards. While the May 29, 2013 original application was accompanied by original signed authorization cards, as discussed above, it did not contain the required signatures.

Even assuming AMFA’s May 29, 2013 original application was validly signed, the supporting authorization cards were received after the Carrier had filed the List and signature samples. It is the Board’s longstanding practice and policy not to accept authorization cards after the List and signature samples have been filed. *See United Airlines*, 8 NMB 508 (1983) (denying intervenor status to organization whose only authorization cards were filed with the Board after the carrier filed applicable list of potential eligible voters).

The Manual Section 3.3 states that an “applicant or intervenor may present the Investigator with additional cards up until 4 p.m., Eastern Time on the day the Investigator receives the applicable list and signature samples.” AMFA’s cards were not received until the day after American filed the List and samples. Accordingly, these authorization cards cannot be accepted by the Investigators to support AMFA’s application. *See, Northwest Airlines*, 5 NMB 250 (1976), upheld by *Int’l Ass’n of Machinists v. National Mediation Board*, 409 F.Supp. 113 (D.D.C. 1976)(finding Board’s rejection of intervenor’s untimely showing of interest was a decision within Board’s discretion and unreviewable).

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This letter constitutes our ruling on whether the Board will accept AMFA's application intervening in this representation dispute. Any appeal of our decision should be filed with the Board by 4 p.m. EDT on June 7, 2013.

Your cooperation is greatly appreciated.

Sincerely,



Maria-Kate Dowling  
Investigator



Norman L. Graber  
Investigator