

Mike Gorman defeats NLRB unfair labor practice charge

Client is a family owned fast food restaurant. In August, 2013, several of restaurant's employees struck as a part of the nation-wide fast food workers' strike. Following the one day strike, one striker, with union assistance, brought a NLRB unfair labor practices charge against restaurant. Employee claimed that restaurant cut his hours and changed his duties as a result of his participation in the strike.

Gorman and restaurant answered the charge, providing evidence that disproved employee's claim, including proof that employee's change in hours resulted from the seasonal nature of restaurant's business. At Gorman's direction, restaurant's owner and two management employees also submitted to interviews by, gave affidavits to, the NLRB. Shortly thereafter, the NLRB dismissed the charge in a one-sentence Decision to Dismiss, stating "(t)here is insufficient evidence to establish a violation of the Act."