



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

May 31, 2013

COREY PASTORIZA
C/O PRIOR & FAITHFUL EMPLOYEE
OF KEYSTONE STEEL & WIRE
DIVISION OF KEYSTONE
CONSOLIDATED, INC.
3505 PARK HILL CIRCLE
LOGANVILLE, GA 30352

Re: Keystone Steel & Wire, Division of
Keystone Consolidated, Inc.
Case 25-CA-096137

Dear Mr. Pastoriza:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied. The evidence presented was insufficient to support a finding that you were terminated because of any protected activity in which you may have engaged. Rather, the evidence reveals that you were terminated for conduct-related reasons given by the Employer. In addition, an employer does not violate the National Labor Relations Act (Act) by disciplining employees who engage in conduct that provides a valid independent reason for discipline, even if the employer is otherwise aware of the employees' protected activities. See, *Berland Paint City, Inc.*, 199 NLRB 927 (1972) and *Wright Line, A Division of Wright Line, Inc.*, 251 NLRB 1083 (1980) enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982), approved in *NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983). Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By:

A handwritten signature in cursive script that reads "Deborah M.P. Yaffe".

Deborah M.P. Yaffe, Director
Office of Appeals

cc: RIK LINEBACK
REGIONAL DIRECTOR
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