



NATIONAL RURAL LETTER CARRIERS' ASSOCIATION

1630 Duke Street, 4th Floor

Alexandria, Virginia 22314-3465

Phone: (703) 684-5545

DALE A. HOLTON, *President*
DONNIE PITTS, *Vice President*
CLIFFORD D. DAILING, *Secretary-Treasurer*
RANDY ANDERSON, *Director of Labor Relations*
DON CANTRIEL, *Director of Steward Operations*

Executive Committee

BILL GORDON, *Chairman*
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June 10, 2004

RONNIE W. STUTTS
515 Walnut Lane
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Kurtis Buttars
Grievance Specialist
P.O. Box 129
Weston, ID 83286-0129

JEANETTE P. DWYER
P.O. Box 477
Lake Waccamaw, NC 28450-2319
(910) 646-3052

Re: F00R-4F-C 03112305
Class Action
Gilroy, CA 95020
CA-073C0.WES
Mail Count/Netflix

FRANCIS J. RAIMER
P.O. Box 1365
Coventry, RI 02816-0365
(401) 397-9325

Dear Mr. Buttars:

As indicated by the attached letter, the above referenced grievance has been withdrawn from Step 4 of the grievance/arbitration process.

The issue in the grievance was whether or not management violated the National Agreement when a certain mail piece(s) identified as a "Netflix" was not credited as a parcel during the mail count.

The language in the M-38 and the PO-603 is not supportive of a position claiming that a "Netflix", or similar mail piece(s), should be credited as a parcel during a mail count. Further, although the mail piece in this case is distinguishable from the mail piece at issue in the CD in the magazine grievance that was denied by a national arbitrator, the principles involved are nearly identical. Therefore, it is not reasonable to expect that any persuasive argument can be made to obtain flat credit. **Letter credit is not inappropriate.**

After careful review of the grievance file and considerable discussion of the issue, it was determined that there would be no reasonable likelihood of success in arbitration. The grievance has been withdrawn and the case is now closed.

Sincerely,

A handwritten signature in cursive script that reads "Randy Anderson".

Randy Anderson
Director of Labor Relations

Cc: William Gordon, Executive Committeeman, NRLCA
Jack Wilson, State Steward, CA RLCA
Donna Johnson, Asst. State Steward, CA RLCA
Stephanie, Johnson, Local Steward, CA RLCA
File



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June 3, 2004

FILE COPY

Ms. Andrea B. Wilson
Manager, Contract Administrator, NRLCA/NPMHU
United State Postal Service
Room 9326
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Subject: Withdraw Step 4 Appeal

Case No: F00R-4F-C 03112305
Class Action
Gilroy, CA 95020
CA-073C0.WES

Dear Ms. Wilson:

This is in reference to the above captioned grievance that was appealed to Step 4 on July 21, 2003. Without precedent or prejudice to its position in this or any other grievance, the Union withdraws the instant grievance from Step 4.

Sincerely,

Randy Anderson
Director of Labor Relations

RA/ves

cc: Bill Daigneault, Labor Relations Specialist, USPS
William Gordon, Executive Committeeman, NRLCA
Kurtis Buttars, Grievance Specialist, NRLCA
Jack Wilson, State Steward, CA RLCA
Donna Johnson, Asst. State Steward, CA RLCA
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