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## NLRB ignorance or contempt for definitions of "agency proceeding" and "rule"!!!

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Posted in group: FOIA Advisory Committee

Dear agents of the United States, Unbelievably, the NLRB's Chairman named Mark Pearce and the NLRB's Chief FOIA Officer/FOIA appellate adjudicator named Margery Lieber manifest in the NLRB-FOIA appellate determination LR-2015-0097A (made, by the way, **TWENTY SEVEN (27) WORKING DAYS LATE**) the NLRB's ignorance or contempt for the definition of "**agency proceeding**" codified under *5 USC 551(12)* and of "rule" codified under *5 USC 551(4)* and under *1 CFR 5.9(b)*. Considering each and every member of the NLRB should have been clearly engaged in the business of making final dispositions with respect to the **administrative matters codified** under *Chapter 15 of Title 44 of the USC, APA-Section 3* (until July 4, 1967), *5 USC 552(a)(1)* and (2) and *Chapter I of Title 1 of the CFR*, there must be, or certainly should be, voting records with respect to such administrative matters yet the NLRB refuses to publish such reading room records on its website or provide them to me under my FOIA request. One must, therefore, suspect that perhaps each such member has not voted, is not voting and will not vote for the final disposition of **administrative matters codified** under *Chapter 15 of Title 44 of the USC, APA-Section 3* (until July 4, 1967), *5 USC 552(a)(1)* and (2) and *Chapter I of Title 1 of the CFR*, and that an unknown agent or agents within the NLRB has/have been, is/are and will continue doing so. What a perfect example of the secret and illegal execution of administrative law (**NLRB's statement of central and field organizations have not been amended or codified since September 11, 1946 (see 11 FR 177A-602-605 and 1946 Supp. 29 CFR 201.1-201.17)**) and of violations of *5 USC 552(a)(5)* and *28 CFR 102.117(a)(2)(v)* and (vii) which all clearly establish the basis for a Federal complaint against the NLRB under *28 USC 1361*!!! Sincerely, Brady Eames **P.S. No wonder the NLRB headquarters would not let me inspect its reading room records back on April 5 and 6 of 2012; see email message of April 9, 2012 copied below:**

**Dear Ladies and Gentlemen, Upon my visits to 1099 14th Street, N.W., Washington, D.C. on April 5 and 6 of 2012, I was disappointed, but actually expected, that the Board's directory on floor #1 of such address would inform me that the Board does not have a Chief FOIA Officer, FOIA adjudicators, a reading room or a FOIA Public Service Center. On April 5 at such address, I sat in an office identified as room #9201 and the "Case Records Management Unit" waiting for an individual named "Jacqueline Young" to provide me directions to and answer my questions regarding a reading room of the Board. Nowhere to be found by me in such Unit were: 1) a statement of the Board's central and field organization; 2) any adjudications made by the Board's "Regional Directors", the "FOIA Officer of the Board", the "FOIA Officer of the Board's General Counsel", the "Director" of the Board's "Office of Appeals", the "Associate to the Board's General Counsel in the Board's Division of Advice", the Board's General Counsel, the Board's Executive Secretary, the Board's Associate Executive Secretary, the Board' Deputy Executive Secretary, the Board's Solicitor, the Board's Assistant Inspector General for Investigations, the Board's Administrative Law Judges or the Board; 3) manuals and instructions to the Board's staff; 4) policies of the Board not published in the**

Federal Register; 5) frequently requested documents; 6) list of the current members of the Board's Performance Review Board; 7) designated career positions in the Board's central and field organization. An individual who identified herself as "Tahisha Jones" and claimed to be the the "assistant chief of the case records management unit" directed to to write down on pink forms (apparently used to request case records), my name, my address, my cell phone number and the documents which I was seeking to inspect and copy in a reading room of the Board. "Tahisha" assured me that she would present such pink forms to "Jacqueline Young". After one hour, such "Jacqueline Young" never appeared in such Unit or contacted me by such phone number during the rest of April 5 and never contacted me by such phone number during all of April 6. An individual who identified herself as "Bonita Newman" and claimed to be the "chief of the records management unit" responded to my question regarding the publication of the notices of the Board's April meetings by answering that such notices are not posted in a reading room of the Board. Upon my request, both "Tahisha" and "Bonita" would not provide me any procedures applicable to the public's use of a reading room of the Board. I was advised by "Tahisha" to use a computer located in such Unit to access the Board's web site in order to find out information regarding the Board. However, such computer would not allow me to access the Board's web site. Upon my request, "Tahisha" and "Bonita" denied providing me a copy of a document that stated the personnel organization of the Board's "records management unit" and that I observed in room #9201. Such document subsequently disappeared from my sight.