

04-107 CIBAO MEAT PRODUCTS V. NLRB

QUESTIONS PRESENTED

1. Can the National Labor Relations Board ("NLRB" or "Board") punish employers for believing that employees intended to engage in concerted activity without identifying the specific concerted activity in question, without determining whether the concerted activity is protected by the Act and, without determining whether an employee's discharge was motivated by his unidentified protected, concerted activity?
2. Can a lone employee's protest of working conditions in a non-unionized workplace during an employee meeting be deemed "concerted activity" where the issue involved in the protest is only presumed to be of interest to other employees, there is no evidence that the employee acted expressly on behalf of one or more employees, and there is no evidence that the employee took action with the proven object of inducing, initiating, or preparing for group action?
3. Is the Board's decision supported by substantial evidence where it fabricated facts to reach a preferred result?