

Filed: March 28, 2013

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1410
(5-CA-36213; 5-CA-36214; 5-CA-36216;
5-CA-36306; 5-CA-36225)

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

ENGINEERING CONTRACTORS, INC.; ECI OF WASHINGTON, LLC, alter
egos,

Respondents,

ASBESTOS WORKERS LOCAL 24 APPRENTICESHIP FUND; ASBESTOS
WORKERS LOCAL 24 PENSION FUND; ASBESTOS WORKERS LOCAL 24
MEDICAL FUND,

Intervenors.

O R D E R

The Court amends its opinion filed March 28, 2013, as
follows:

On the cover sheet, agency information section, "On
Petition for Review of an Order of the Federal Labor Relations
Authority" is corrected to read "On Application for Enforcement
of an Order of the National Labor Relations Board"

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

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MEDICAL FUND,

Intervenors.

On Application for Enforcement of an Order of the National Labor
Relations Board. (NLRB-1 5-CA-36213; 5-CA-36214; 5-CA-36216; 5-
CA-36306; 5-CA-36225)

Submitted: March 26, 2013

Decided: March 28, 2013

Before DUNCAN, FLOYD, and THACKER, Circuit Judges.

Petition granted by unpublished per curiam opinion.

Robert J. Englehart, Supervisory Attorney, Lafe E. Solomon,
Acting General Counsel, Celeste J. Mattina, Deputy General
Counsel, John H. Ferguson, Associate General Counsel, Linda
Dreeben, Deputy Associate General Counsel, Gregoire Sauter,

NATIONAL LABOR RELATIONS BOARD, Washington, D.C., for
Petitioner. Kenneth C. Gauvey, OFFIT KURMAN, P.A., Owings
Mills, Maryland, for Respondent. John R. Mooney, Andrew K. Lin,
MOONEY, GREEN, SAINDON, MURPHY & WELCH, P.C., Washington, D.C.,
for Intervenors.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

The National Labor Relations Board ("Board") seeks enforcement of a Board order against Engineering Contractors, Inc. ("Respondent"). The Administrative Law Judge ("ALJ") concluded that Respondent violated § 8(a)(1), (3), and (5) of the National Labor Relations Act ("the Act"), 29 U.S.C. § 158(a)(1), (3), (5) (2006), and ordered remedial measures. The Board adopted the ALJ's recommended order in full.

Respondent opposes the Board's petition for enforcement, contending that the remedies ordered by the ALJ were overreaching and impermissibly punitive. We conclude that we lack jurisdiction to consider Respondent's contentions because Respondent failed to raise its objections to the remedies ordered in the proceedings before the Board. See 29 U.S.C. § 160(e) (2006) ("No objection that has not been urged before the Board . . . shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances."); Woelke & Romero Framing, Inc. v. N.L.R.B., 456 U.S. 645, 665 (1982) (barring from judicial review issues not raised before Board); N.L.R.B. v. Daniel Constr. Co., 731 F.2d 191, 198 (4th Cir. 1984) (same).

Accordingly, we grant the Board's motion to submit the case on briefs and the petition for enforcement. We dispense with oral argument because the facts and legal conclusions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION GRANTED