

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15

LAZER CLAIMS INVESTIGATION AND  
SECURITY SERVICES LLC

and

NICHOLAS HILLEBRAN, an Individual

Consolidated with

Case 15-CA-134386

Case 15-CA-140373

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SUPPLEMENTAL ANSWER ON BEHALF OF LAZER CLAIMS INVESTIGATION  
AND SECURITY SERVICES LLC

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NOW COMES LAZER CLAIMS INVESTIGATION AND SECURITY SERVICES, LLC (“Lazer”), who for supplemental answer to the consolidated complaint filed herein on behalf of NICHOLAS HILLEBRAN (“Hillebran”), respectfully alleges that:

1.

The allegations contained in paragraph 1(a) of the complaints are denied, except to admit that Hillebran filed charges on August 11, 2014, September 24, 2014, and November 6, 2014.

2.

The allegations of paragraph 2 of the consolidated complaint are admitted.

3.

The allegations of paragraph 3, (a) – (g) of the consolidated complaint are denied for lack of sufficient information to justify a belief therein.

4.

The allegations of paragraph 4 of the consolidated complaint are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of paragraph 5 of the consolidated complaint are denied for lack of sufficient information to justify a belief therein.

6.

The allegations of paragraph 6(a) of the consolidated complaint are denied as written.

7.

The allegations of paragraph 6(b) of the consolidated complaint are denied. Respondent has no such rule exists now, nor has it ever.

8.

The allegations of paragraph 7 of the consolidated complaint are denied.

9.

The allegations of paragraph 8(a) of the consolidated complaint are admitted.

10.

The allegations of paragraph 8(b) of the consolidated complaint are denied.

11.

The allegations of paragraph 9 of the consolidated complaint are denied.

12.

The allegations of paragraph 10 of the consolidated complaint are denied.

13.

The allegations of paragraph 11 of the consolidated complaint are denied.

14.

The allegations of paragraph 7 of the complaint are denied.

15.

The allegations of paragraph 8 of the complaint are admitted.

16.

The allegations of paragraph 9 of the complaint are denied.

17.

The allegations of paragraph 10 of the complaint are denied.

18.

The allegations of paragraph 11 of the complaint are denied.

AND NOW, IN FURTHER ANSWER to the complaint, Respondent alleges the following affirmative defenses:

19.

Neither the Respondent nor the complainant subject to the jurisdiction of the National Labor Relations Act.

20.

On or about June, 2014 the following rule was in effect:

Arguing, bickering or rumors will not be tolerated amongst the LCI guards.  
Discussing company business with other than LCI personnel will be cause for disciplinary action to be administered immediately.

21.

The rule described in paragraph 20 does not and was never intended to include within its scope, to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 157, to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted

activities for the purpose of collective bargaining or other mutual aid or protection, nor to refrain from any or all of such activities.

22.

The termination of Hillebran was not due to his having filed a charge or charges or his giving testimony in support thereof with the National Labor Relations Board. Rather, his employment was terminated due to his failure to perform the duties of his job and his having been rejected by Respondent's customers/clients.

23.

Respondents business is not included within the definition of "commerce" contained in the National Labor Relations Act.

24.

The termination of Hillebran's employment has in no way affected commerce within the meaning assigned that term in the National Labor Relations Act. Hillebran's termination from employment has not burdened, obstructed commerce or the free flow of commerce, nor has it led nor does it tend to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

25.

Any order reinstating the employment of Hillebran or awarding back pay is unwarranted since 1) Hillebran was discharged for cause; and 2) Hillebran's physical presence has been banned by all of Respondent's customers/clients and he is no longer permitted access to the property of such customers/clients by the said customers/clients.

26.

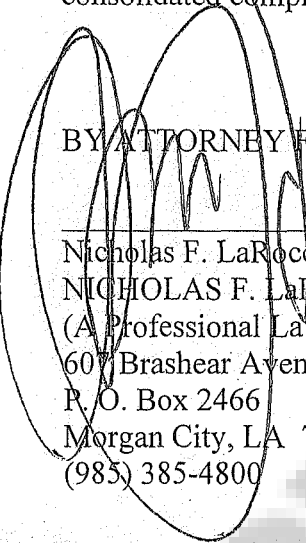
Furthermore, reinstatement of Hillebran's employment and the award of back pay would not effectuate the policies of the National Labor Relations Act.

27.

Respondent repeats all of the allegations contained in its original answer to the extent not inconsistent herewith.

WHEREFORE, Respondent prays that this supplemental answer be deemed good and sufficient and that after the lapse of all legal delays and due proceedings have been conducted, that there be judgment in favor of Respondent and against the complainant, dismissing the consolidated complaints.

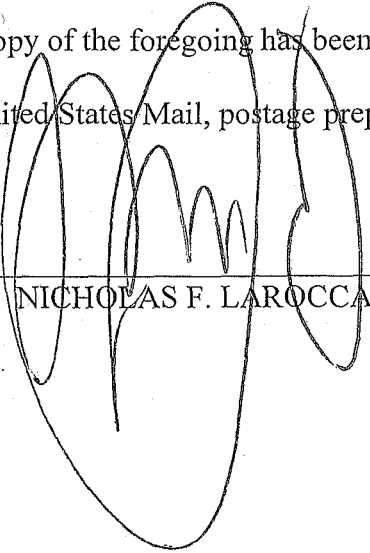
BY ATTORNEY FOR RESPONDENT:



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CERTIFICATE

I hereby certify that a copy of the foregoing has been mailed to all counsel of record, by mailing same by First Class United States Mail, postage prepaid and properly addressed, on this 31<sup>st</sup> day of December, 2014.



NICHOLAS F. LARocca, JR.



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**Confirmation Number:** 1039066

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**Office:** Region 15, New Orleans, Louisiana

#### Case Information

**Case Number:** 15-CA-134386

**Case Name:** Lazer Claims Investigation and Security Services LLC

**Role:** Charged Party / Respondent

#### Contact Information

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#### Attached E-File(s)

- Answer to Complaint
- Supplemental Answer to Consolidated Action.pdf

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