



March 30, 2017

**VIA EMAIL**

Mary Johnson  
General Counsel  
National Mediation Board  
1301 K Street, N.W.  
Suite 250 East  
Washington, D.C. 20572-001

**Re: Norwegian Cabin Crew Association/Association of Flight Attendants-CWA  
(Transfer of NCCA NMB Certification)**

Dear Ms. Johnson:

The Norwegian Cabin Crew Association (“NCCA”), the certified bargaining representative for the Flight Attendants employed by OSM Aviation and Norwegian Air Shuttle, is writing to request that the NMB transfer its certification in Case No.R-7461 to the Association of Flight Attendants-CWA (“AFA”).

As discussed in AFA’s March 1, 2017 letter to the NMB, the NCCA has conducted a secret ballot among its members to determine whether it should transfer its NMB certification to AFA. The ballot was supervised and conducted by a third-party balloting vendor called Votenet Solutions (“Votenet”). Votenet distributed confidential electronic balloting information to allow NCCA members to vote online. Balloting information was mailed to NCCA members on March 10, 2017, and the ballots were counted on March 30, 2017.

Of the 269 ballots cast, 158 NCCA members voted to transfer NCCA’s NMB certification to AFA. (Official voting results attached hereto).

The Railway Labor Act, 45 U.S.C. §151 et seq. requires only that the Board investigate a transfer of certification based on a union merger rather than mandating any procedures for such an investigation. *Continental Airlines, Inc. v. National Mediation Board*, 793 F. Supp. 330 (D.D.C. 1991), aff’d mem., 957 F.2d 911 (D.C. Cir. 1992).

In most instances, the Board grants a transfer request based upon assertions contained in the request letters. *NTSA/Long Island Railroad/BRS*, 42 NMB 121(2015); *Kyle Railroad Co.*, 40 NMB 248 (2013); *Airtran Airways*, 36 NMB 114 (2009); *Capital Cargo Int’l Airlines, Inc.*, 34 NMB 190 (2007); *Mesaba Aviation, Inc.*, 31 NMB 219 (2004); *Consolidated Rail Corp.*, 28 NMB 30 (2000); *Big Sky Transp. Co.*, 25 NMB 376 (199). The Board considers an organization’s decision to merge with another organization as an internal union matter “and will grant requests for transfers of certification based on union mergers unless there is evidence of fraud or gross abuse in the merger decision.” 42 NMB at 122-123, citing, *Northwest Airlines*, 18 NMB 446, 448 (1991).

Here, it cannot be disputed that the NCCA conducted a secret ballot using an independent outside voting vendor that sent confidential electronic voting information to all NCCA members as of March 10, 2017. A majority of those members who cast ballots voted in favor of NCCA transferring its NMB certification in Case No. R-7461 to AFA.

If you have any questions please contact me at your earliest convenience.

Sincerely,



Valentin Lorian  
NCCA President