

Matis, Jennifer A.

From: Flynn, Terence F.
Sent: Wednesday, August 03, 2011 10:12 AM
To: 'peter@schaumber.com'

Subject: Beck

FYI: The remaining Beck cases are flowing out. They offer some insights on the case-by-case approach applied by the majority in assessing whether the particular Beck procedures at issue impose more than de minimis constraints on Section 7 activity. Brian's dissents simply reference his prior positions -- which mirror yours -- namely that the deferential DFR standard should not be applied, and that, in any event, he would find annual renewal requirements to be both discriminatory and arbitrary applying the DRF standard. Lafe is recommending the Board not

That recommendation is