



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Region 05
Edward A. Garmatz U.S. Courthouse
101 W. Lombard Street, Suite 700
Baltimore, MD 21201

Agency Website: www.nlr.gov
Telephone: (410)962-2822
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December 30, 2025

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Cleveland, OH 44114

Nicholas Anhold, Esq.
Baker & Hostetler, LLP
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Suite 2000
Cleveland, OH 44114

John Durkalski, Esq.
Butsavage & Durkalski, P.C.
2001 L St NW, Ste 500
Washington, DC 20036

Bernard Zamaninia, Esq.
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: MOM's Organic Market
Case 05-UD-377341

Dear Mr. Dawson, Mr. Anhold, Mr. Durkalski, and Mr. Zamaninia:

Direction of Election: On the basis of the Region's investigation of the petition in this case, I have decided to conduct an election by secret ballot pursuant to Section 9(e)(1) of the National Labor Relations Act and Section 102.85 of the Board's Rules and Regulations. This election will determine whether or not certain employees of MOM's Organic Market, Inc. (the Employer) wish to withdraw the authority of United Food and Commercial Workers Local 400 a/w United Food and Commercial Workers International Union AFL-CIO, CLC (the Union) to require, under its agreement with the Employer, that employees make certain lawful payments to the Union in order to retain their jobs. An administrative investigation revealed that a collective-

bargaining agreement, with a valid union security clause, is in place between the Employer and the Union with effective dates of November 18, 2025, to November 17, 2028.

Notice of Election: The secret ballot election will be conducted as follows:

Election Arrangements: The election will be held in person on Tuesday, January 13, 2026 from 11:30 AM-12:30 PM and 1:30 PM to 2:30 PM in the Store Lounge of the MOM's Organic Market located at 9801 Rhode Island Avenue College Park, Maryland 20740 (the Polling Place). The ballots will be in English and Spanish.

Election Observers: Each party may have one observer for each polling session. **Please complete the enclosed Observer Designation form and return it to this office as soon as possible.**

Pre-Election Conference: A Pre-Election Conference for the secret ballot election will be held in-person on Tuesday, January 13, 2026 at 11:00 AM at the Polling Place. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board agent about their duties.

Ballot Count: The ballot count will be held immediately after the second voting session on Tuesday, January 13, 2026 at the Polling Place.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

Posting and Distribution of Election Notices: The Notice of Election will be in English and Spanish. The Notices will be provided to the parties following completion of translation. The Employer must post copies of the Notices of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted at least 3 full working days prior to 12:01 am on the day of the election and must also distribute the Notices of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Notices of Election must be posted so all pages are simultaneously visible. In this case, the Notices must be posted and distributed **before 12:01 a.m. on January 8, 2026**. The Employer's failure to timely post or distribute the election notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is estopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

Voter List: It is longstanding Board policy that all parties to the election should have access to a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters.

The list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx) and is searchable electronically. The first column

of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger.

Pursuant to Section 102.5 of the Board's Rules and Regulations, the list must be filed electronically by submitting (E-Filing) it through the Agency's website (www.nlr.gov), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to www.nlr.gov, click on E-File Documents, enter the NLRB case number, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party.

Accordingly, I hereby direct that the Employer serve the voter list **of all the eligible voters who were on the Employer's payroll for the period ending December 21, 2025**, with me and the parties by **January 2, 2026**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.** Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure. No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Agent to Contact: If you have any questions, please contact Field Attorney Emma Barudi at telephone number (202)273-4487 or by email at emma.barudi@nlrb.gov. The cooperation of all parties is sincerely appreciated.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Very truly yours,

/s/ Sean R. Marshall

Sean R. Marshall
Regional Director

Enclosures:

1. Designation of Observer Form
2. Description of Procedures in Election and Post-Election
Representation Case Procedures (Form 5547)

cc: Christopher Hoffmann
UFCW Local 400
8400 Corporate Drive, Suite 200
Landover, MD 20785

Nora Ricse
8001 Braddock Road
Suite 600
Springfield, VA 22160

DESIGNATION OF OBSERVER

Re: MOM's Organic Market
Case 05-UD-377341

Petitioner Nora Ricse, an Individual hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that the above-named individual is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Nora Ricse, an Individual

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER

Re: MOM's Organic Market
Case 05-UD-377341

MOM's Organic Market, Inc. hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that the above-named individual is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

MOM's Organic Market, Inc.

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER

Re: MOM's Organic Market
Case 05-UD-377341

United Food and Commercial Workers Local 400 a/w United Food and Commercial Workers International Union AFL-CIO, CLC hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that the above-named individual is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

United Food and Commercial Workers Local 400 a/w United Food
and Commercial Workers International Union AFL-CIO, CLC
(Name of Party)

By: _____
(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

