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September 7, 2023

David P. Berry
Inspector General
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Dear Mr. Berry:

The Committee on Education and the Workforce (Committee) is investigating misconduct at the National Labor Relations Board (NLRB or Board) related to its use of mail ballots in representation elections. In addition to the Committee's investigation, you recently apprised a bipartisan, bicameral group of congressional staff, including the Committee's staff, of your office's investigation involving a mail ballot election. As part of this communication, you provided the Committee with a memorandum reporting your findings. The Office of Inspector General's (OIG) findings are important for the public to understand the misconduct of NLRB officials. The Committee requests that you provide this memorandum with redactions of names and personal information so that it may be released to the public.

During the investigation of mail ballot elections, the Committee obtained information showing that NLRB officials failed to conduct mail ballot representation elections properly.¹ On August 14, the Committee sent a letter to the NLRB Chairman Lauren McFerran and General Counsel Jennifer Abruzzo highlighting these instances of widespread misconduct and questionable actions in mail ballot elections across regions.²

As the Committee noted in its August 14 letter, the American people and Congress must have full confidence in the integrity of the NLRB to administer elections in a fair and neutral manner. Therefore, the OIG's findings of "gross mismanagement" in a mail ballot election are of public interest. The findings in your memorandum shed light on serious mismanagement issues that have plagued the NLRB in its conduct of mail ballot elections, in addition to misconduct by NLRB officials. It is imperative that the Board address this mismanagement and misconduct, which undermines the mission of the NLRB. The public has a right to know what the OIG found,

¹ See Letter from Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce, to Lauren McFerran, Chairman, NLRB, & Jennifer A. Abruzzo, Gen. Couns., NLRB (Aug. 14, 2023), https://edworkforce.house.gov/uploadedfiles/08.14.23_letter_to_nlr_re_nlr_personnel_misconduct.pdf.

² *Id.*

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and the release of this information would provide for more informed public discourse. Accordingly, the Committee requests that the OIG provide a copy of your memorandum for public release and that you work with Committee staff to ensure a prompt release with redactions of names and personal information.

Your prompt attention to this matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Foxx". The signature is written in a cursive, flowing style.

Virginia Foxx
Chairwoman