

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

D'ARRIGO BROS. CO. OF CALIFORNIA,	)	Case Nos.: 00-CE-5-SAL
	)	01-CE-16-SAL
	)	02-CE-14-SAL
Respondent,	)	04-CE-18-SAL
	)	04-CE-18-1-SAL
and	)	
	)	
UNITED FARM WORKERS OF AMERICA, AFL-CIO,	)	33 ALRB No. 5
	)	(September 19, 2007)
Charging Party.	)	

**DECISION AND ORDER**<sup>1</sup>

On September 5, 2007, pursuant to a Stipulation for Order to Dismiss Appeal, the Court of Appeal for the Fourth Appellate District, Division One, approved the dismissal of the appeal filed in this case by D'Arrigo Bros. Co. of California (D'Arrigo) (Case No. D048904). The stipulation to dismiss the appeal was filed pursuant to a Settlement Agreement and Release of Claims, and Stipulation to Vacate ALRB Decision 32 ALRB No. 1, entered into by D'Arrigo, the United Farm Workers of America (UFW), the Agricultural Labor Relations Board, and the General Counsel of the Agricultural Labor Relations Board (the General Counsel and the Board are hereinafter collectively referred to as the "ALRB").

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<sup>1</sup> Contents identical to this Decision were the subject of Administrative Order No. 2007-06, issued on September 10, 2007. While the administrative order had the same legal effect as this Decision, the parties' stipulation to vacate the 32 ALRB No. 1 literally provided for a "reported decision." Accordingly, the Board has agreed to reissue the ruling in the form of a "decision."

The Board has taken the unusual step of agreeing to vacate its decision in recognition of the achievement of a comprehensive collective bargaining agreement between D'Arrigo and the UFW and the resolution of other disputes among the two parties. The Board finds that, under these circumstances, vacating its decision pursuant to the settlement agreement furthers the purposes of the Agricultural Labor Relations Act by promoting collective bargaining and the achievement of stability in labor relations.

Accordingly, the decision reported at 32 ALRB No. 1 shall be, and hereby is, vacated in its entirety, and shall have no force or effect in this proceeding, or in any future proceeding before the ALRB, any court, administrative tribunal, or any other forum. Nothing in the Decision or in the record and transcripts of those proceedings may be cited for any purpose. Nor shall the fact of the Decision, or any legal or factual finding, conclusion or opinion therein, be the basis for, or constitute evidence with respect to, any matter whatsoever in such future proceeding(s), whether or not said future proceeding(s) involves D'Arrigo and/or the UFW.

Dated: September 19, 2007

IRENE RAYMUNDO, Chair

GENEVIEVE A. SHIROMA, Member

CATHRYN RIVERA-HERNANDEZ, Member