

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1536

National Labor Relations Board,	*	
	*	
Petitioner,	*	
	*	Petition from the United States
v.	*	National Labor Relations Board.
	*	
Five Star Manufacturing, Inc.,	*	[UNPUBLISHED]
	*	
Respondent.	*	

Submitted: May 15, 2008
Filed: May 20, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Adopting the decision of the administrative law judge (ALJ), the National Labor Relations Board (Board) issued an order concluding Five Star Manufacturing (Five Star) violated 29 U.S.C. § 158(a)(1) and (a)(3)-(5) by discharging an employee for engaging in union activities; materially changing conditions of employment in areas that were mandatory subjects of collective bargaining, without giving the union notice or an opportunity to negotiate, and in retaliation for employees' union activities; reassigning the discharged employee to less desirable work upon his reinstatement, in retaliation for his union activities; and discharging the employee a second time for his union activities. Five Star argues the Board's order should not be

enforced, because the ALJ was not fair and impartial, and the ALJ's findings, as adopted by the Board, are not supported by substantial evidence on the record.

To begin, we find no basis for Five Star's argument the ALJ was not fair and impartial, which is essentially based upon Five Star's disagreement with the ALJ's credibility determinations. See Hall v. NLRB, 941 F.2d 684, 689 (8th Cir. 1991) (rejecting the employer's argument that the ALJ was biased and impartial where the only supporting evidence was the ALJ's credibility determinations). We further conclude the Board correctly applied the law, and the Board's findings are supported by substantial evidence on the record as a whole. See NLRB v. Rockline Indus., Inc., 412 F.3d 962, 966, 970 (8th Cir. 2005) (stating applicable standards of review). We enforce the Board's order in its entirety. See 8th Cir. R. 47B.
