



ASSOCIATION OF FLIGHT ATTENDANTS - CWA, AFL-CIO

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November 3, 2009

**VIA E-FILE AND
FIRST-CLASS MAIL**

Mary L. Johnson, General Counsel
Maria-Kate Dowling, Investigator
National Mediation Board
1301 K Street, N.W.
Suite 250 East
Washington, D.C. 20572

**Re: Northwest Airlines/Delta Air Lines, NMB File No. CR - 6957
(Flight Attendants)**

Dear Ms. Johnson and Ms. Dowling:

The Association of Flight Attendants - CWA ("AFA-CWA" or "the Union"), the bargaining representative for the 7,400 Northwest Airlines flight attendants, is writing in response to the National Mediation Board's ("NMB" or "the Board") "Notice of Proposed Rule-Making" that was published in the Federal Register on November 3, 2009. The Board's proposal would enact a rule that would, for the first time in its history, guarantee that representation elections under the Railway Labor Act, 45 U.S.C. § 152, *et seq.*, will be decided "based on the majority of valid ballots cast." §1202.4 Secret Ballot (Proposed). The Board has established a 60-day comment period for all parties to submit their views on this rule change. AFA-CWA fully supports this proposed change, and applauds the Board for taking action to ensure that all railroad and airline employees will finally be able to participate in a fair and democratic election process to determine the issue of collective bargaining representation.

In light of this development, however, AFA-CWA believes it would be inappropriate and prejudicial for the NMB to conduct an election for the more than 20,000 Northwest and Delta flight attendants until this proposed change to the balloting process is resolved. Though there is no election pending for the Delta/NWA flight attendants, AFA-CWA fully expects that the Board, within the next 60 days, will issue a determination on the single carrier petition now pending in this proceeding. If a single transportation system is found within that time period - which is highly likely - then the Board will initiate a representation election for the Delta/NWA flight attendants. If that occurs, these flight attendants could find themselves in the bizarre position of participating in a Board election under the current un-democratic ballot procedures at the same time the Board is enacting a new election process that *it* views as fairer and more democratic. In fact, given the Board's standard election time-line, an election under the current rules that is initiated within the next few months could result in a ballot count in late January or February 2010 - just weeks, if not days, before the Board implements its new yes/no ballot.

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Clearly, the Delta flight attendants deserve better. Having participated in two prior elections where the Company ran vigorous voter suppression campaigns, they finally have the opportunity to decide the question of Union representation based solely on those who affirmatively vote. And the NWA flight attendants can be confident that their 60-year legacy of collective bargaining will not be dependent on those who do not participate in the election process.

In addition, the Union is concerned about the activities of NMB Chairman Elizabeth Dougherty. Chairman Dougherty has politicized the Board election process through her recent public comments mis-characterizing her prior statements and commitments to AFA-CWA. Echoing the complaints of Delta management, she appears intent on compelling the Delta flight attendants into a quick election under the existing un-democratic ballot rules without regard to the resolution of the "hyperlink" issue. Despite the Board's commitment to resolve the hyperlink issue prior to a single carrier determination, Ms. Dougherty is now renegeing on that promise for no discernable reason. Her actions reflect a bias in favor of Delta management that has caused the Delta flight attendants to question her objectivity in carrying out her duties as Chairman.

For these reasons, AFA-CWA hereby withdraws, without prejudice, its July 27, 2009, "Application for Investigation of a Representation Dispute" in the above-captioned case. The Union will re-file its Application as soon as practicable after the Board resolves its proposal to enact an election process that allows participating voters to decide the issue of Union representation.

If you have any questions, please contact me at your earliest convenience.

Sincerely,



Edward J. Gilmartin
AFA-CWA General Counsel

EJG/KTL


CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2009, a copy of this Petition of Withdrawal for NMB Case No. CR-6957 was sent via email mail, to the parties below:

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