

Extencicare Homes, Inc. d/b/a Bon Harbor Nursing and Rehabilitation Center and United Steelworkers of America, AFL-CIO-CLC. Cases 25-CA-28991, 25-CA-29088, and 25-CA-29119

August 31, 2005

ORDER

BY CHAIRMAN BATTISTA AND MEMBER LIEBMAN¹

By letter dated July 8, the Respondent sought to bring to the Board's attention a letter from the Regional Director of Region 30 of the National Labor Relations Board dismissing an unfair labor practice charge filed against

¹ On August 26, 2005, Chairman Battista and Members Liebman and Schaumber delegated to themselves, as a three-member group, all of the Board's powers in anticipation of the expiration of then-Member Schaumber's term on August 27, 2005. Pursuant to this delegation, the remaining Board members constitute a quorum of the three-member group. As a quorum, Chairman Battista and Member Liebman have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act.

Extencicare's Beloit Health and Rehabilitation Center Inc., which allegedly supported Respondent's position in the captioned case. The Respondent filed its letter pursuant to the procedures announced in *Reliant Energy*, 339 NLRB 66 (2003), which permits the parties to call to the Board's attention "pertinent and significant authorities" that come to the party's attention after the party's brief has been filed. The counsel for the Acting General Counsel moved to strike the submission citing the dismissal letter because, "with all due respect to the Board's Regional Directors, their decisions are of no precedential value before the Board."

The counsel for the Acting General Counsel's motion is granted as noted herein. The specific "pertinent and significant authority" involved in *Reliant Energy* was a recent decision by a United States court of appeals. A Regional Director's decision not to issue a complaint, on the other hand, is not a "significant" authority.