

**United States Government  
National Labor Relations Board  
OFFICE OF THE GENERAL COUNSEL**

# Advice Memorandum

DATE: January 19, 2010

TO : James F. Small, Regional Director  
Region 31

FROM : Barry J. Kearney, Associate General Counsel  
Division of Advice

SUBJECT: Lakewood Regional Hospital  
Case 21-CA-39186

This case was submitted for review in light of the current dispute between the SEIU-UHW-W and the National Union of Healthcare Workers (NUHW).

The Charging Party alleges that Respondent Lakewood Regional Hospital violated Section 8(a)(1) by allegedly failing to respond to a grievance within the contractually allotted time period. Even assuming the Employer missed the contractual deadline for the grievance (which apparently was resolved to the grievant's satisfaction), its failure does not constitute interference, restraint or coercion within the meaning of Section 8(a)(1) of the Act. Accordingly, we agree that the Region may dismiss this charge, absent withdrawal.

/s/  
B.J.K.