UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

HEALTHBRIDGE MANAGEMENT, LLC;107 OSBORNE STREET OPERATING COMPANY II, LLC D/B/A DANBURY HCC; 710 LONG RIDGE ROAD OPERATING COMPANY II, LLC D/B/A LONG RIDGE OF STAMFORD; 240 CHURCH STREET OPERATING COMPANY II, LLC D/B/A NEWINGTON HEALTH CARE CENTER; 1 BURR ROAD OPERATING COMPANY II, LLC D/B/A WESTPORT HEALTH CARE CENTER; 245 ORANGE AVENUE OPERATING COMPANY II, LLC D/B/A WEST RIVER HEALTH CARE CENTER; 341 JORDAN LANE OPERATING COMPANY II, LLC D/B/A WETHERSFIELD HEALTH CARE CENTER and NEW ENGLAND HEALTH CARE EMPLOYEES UNION, DISTRICT 1199, SEIU, AFL-CIO and CARE REALTY, LLC, PARTY IN INTEREST	Case Nos. 34-CA-12964 34-CA-13064

THE ACTING GENERAL COUNSEL'S REPLY BRIEF TO RESPONDENT'S ANSWERING BRIEF IN OPPOSITION TO ACTING GENERAL COUNSEL'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46(h), the Acting General Counsel submits this Reply Brief in reply to the Answering Brief filed by Respondents on October 5, 2012 (the Answering Brief).

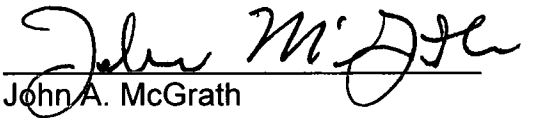
In the Answering Brief, Respondents raise several substantive arguments that the Board should not overrule *Bethlehem Steel Co. (Shipbuilding Div.),* 136

NLRB 1500, (1962). For reasons explained in the Acting General Counsel's Brief to the Board in support of its Cross Exceptions, Respondents' arguments have no merit and should be rejected.

In addition to their substantive arguments on whether or not the Board *should* revisit Bethlehem Steel, Respondents question whether or not the Board *can* overrule Bethlehem Steel. (Answering Brief at p. 35.) Respondents argue that the Board currently has only two validly appointed members, thereby lacking a quorum. (Answering Brief at pp. 35-37, citing *New Process Steel, L.P. v. NLRB*, 130 S. Ct. 2635 (2010).) However, the Board has found that it is not appropriate for it to decide whether Presidential appointments are valid. Instead, the Board applies the well-settled "presumption of regularity support[ing] the official acts of public officers in the absence of clear evidence to the contrary." *Lutheran Home at Moorestown,* 334 NLRB 340, 341 (2001), citing *U.S. v. Chemical Foundation,* 272 U.S. 1, 14-15 (1926); *Center for Social Change,* 358 NLRB No. 24 (2012). Respondents' arguments should therefore be rejected by the Board.

Counsel for the Acting General Counsel respectfully submits that the record evidence supports the Complaint allegations detailed therein, and that Respondent has violated Section 8(a)(1) and (5) of the Act as alleged, and urges the Board to make appropriate findings of facts and conclusions of law and to issue the requisite remedial order.

Dated at Hartford, Connecticut this 18th day of October, 2012.



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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

HEALTHBRIDGE MANAGEMENT Charged Party and **NEW ENGLAND HEALTH CARE EMPLOYEES UNION, DISTRICT 1199, SEIU** Charging Party	**Case 34-CA-012964**

AFFIDAVIT OF SERVICE OF THE ACTING GENERAL COUNSEL'S REPLY BRIEF TO RESPONDENT'S ANSWERING BRIEF IN OPPOSITION TO ACTING GENERAL COUNSEL'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 18, 2012, I served the above-entitled document(s) by post-paid regular mail and electronic mail upon the following persons, addressed to them at the following addresses:

SEE ATTACHED

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