

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DHSC, LLC, d/b/a AFFINITY  
MEDICAL CENTER  
Employer

and

Case 08-RC-087639

NATIONAL NURSES ORGANIZING  
COMMITTEE  
Petitioner

ORDER

Employees Susan Kelley and Cinda Keener's Request for Special Permission to Appeal the Regional Director's denial of their motion to intervene in the election objections proceeding is denied. The employees lack standing to file objections; moreover, even had they standing, the conduct they allege as objectionable falls far short of that required for review of the Regional Director's decision.<sup>1</sup>

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

Dated, Washington, D.C., January 11, 2013

---

<sup>1</sup> The Board has long refused to review the merits of a regional director's determination under a consent election agreement absent a showing of fraud, misconduct, or such gross mistakes as to imply bad faith or that the regional director's rulings were arbitrary or capricious. See, e.g., *The Pierre Apartments*, 217 NLRB 445, 446 (1975); *Vanella Buick Opel*, 196 NLRB 215 (1972) and cases cited.

The employees additionally contend that the Board would violate their due process rights by denying their request for permission to appeal because Members Block and Griffin are not lawfully-appointed members of the Board. For the reasons set forth in *Center for Social Change, Inc.*, 358 NLRB No. 24 (2012), we reject this argument.