UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

July 12, 2013

[redacted]
CALIFORNIA NURSES ASSOCIATION/NATIONAL
NURSES ORAGANIZING COMMITTEE (CNA/NNOC)
[redacted]
2000 FRANKLIN STREET
OAKLAND, CA 94612-2908

Re: GREENBRIER VMC, LLC, D/B/A
GREENBRIER VALLEY MEDICAL
CENTER
Case 10-CA-094646

Dear [redacted]:

We have carefully investigated and considered your charge that the Greenbrier VMC, LLC, D/B/A Greenbrier Valley Medical Center has violated the National Labor Relations Act.

Approval of Request to Withdraw Portion of the Charge: This is to advise that I have approved the withdrawal of the allegation that, on or about December 6, 2012, the Employer disciplined [redacted]p in retaliation for his union activities, in violation of Section 8(a)(3) of the Act.

Decision to Partially Dismiss: Based on the investigation, I have decided to dismiss the 8(a)(1) allegations that, on or about November 29, 2012, the Employer: 1) made statements of futility to employees indicating that it did and/or would not recognize the Union as the employees' certified bargaining representative; 2) made statements of futility to employees indicating that it would not recognize employees' *Weingarten* rights; and 3) has continued to refuse to recognize selected employee union representatives. All other portions of the charge remain outstanding.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National

Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **July 26, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time on July 26, 2013**. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **July 25, 2013**.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before July 26, 2013.** A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

By: Nancy Wilson

Nancy Wilson
Acting Officer in Charge

Enclosure

cc GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

[redacted]
GREENBRIER VMC, LLC, D/B/A
GREENBRIER VALLEY MEDICAL CENTER
202 MAPLEWOOD AVE
RONCEVERTE, WV 24970-1334

[redacted]
134 EVERGREEN LN
GLASTONBURY, CT 06033-3706

[redacted]
KATONAH, NY 10536-3607

[redacted]
NATIONAL NURSES ORGANIZING COMMITTEE
225 W BROADWAY
STE 500
GLENDALE, CA 91204-1331

Form NLRB–4767

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

_____

Case Name(s).

_____

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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(Signature)