UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

UNITED NURSES & ALLIED PROFESSIONALS
(KENT HOSPITAL),
Respondent,

Case No. 01-CB-011135

and

JEANETTE GEARY,
Charging Party.

CHARGING PARTY'S SUPPLEMENTAL CITATION OF AUTHORITY

Pending before this Board is Charging Party Jeanette Geary's Motion to Vacate Void Decision and for Consideration of Exceptions *Ab Initio*, filed on August 13, 2013. That Motion was filed after the appointment of a new, Senate-confirmed Board that replaced a Board made up of President Obama's January 4, 2012 recess appointees. Several federal appellate courts had ruled those appointments invalid, *e.g.*, *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013).

Notwithstanding the pendency of those legal challenges, the recess appointee Board pressed forward and issued a decision on a portion of Ms. Geary's case, *United Nurses & Allied Professionals (Kent Hospital)*, 359 NLRB No. 42 (Dec. 12, 2012), but severed a portion for further consideration. After the current, valid Board was confirmed by the Senate in August 2013, Ms. Geary moved to vacate the decision of the recess appointee Board, so that *all* of her exceptions would be considered *ab initio* by the current, Senate-confirmed Board.

On June 26, 2014, a unanimous Supreme Court affirmed the D.C. Circuit's ruling striking down the recess appointments. *NLRB v. Noel Canning*, No. 12-1281, 2014 WL 2882090 (U.S. June 26, 2014). The legal and practical effect of that supplemental authority is that the current Board must grant Ms. Geary's Motion, vacate the prior illegitimate decision (359 NLRB No. 42) in its entirety, and hear and decide all of her exceptions *ab initio*.

Respectfully submitted,

/s/ Glenn M. Taubman

Glenn M. Taubman
c/o National Right to Work Legal
Defense Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160
(703) 321-8510
Attorney for Charging Party Jeanette Geary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Supplemental Citation of Authority was electronically filed with the Executive Secretary and Region 1 via the NLRB website. A copy of the foregoing was sent via e-mail to Don Firenze, Counsel for the General Counsel (Don.Firenze@nlrb.gov) and to Chris Callaci, Counsel for UNAP, (ccallaci@unap.org) this 2nd day of July, 2014.

/s/ Glenn M. Taubman

Glenn M. Taubman