

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NEW VISTA NURSING AND  
REHABILITATION, LLC**

and

**Case 22-CA-029988**

**1199 SEIU UNITED HEALTHCARE  
WORKERS EAST, NJ REGION**

**ORDER DENYING MOTION FOR RECONSIDERATION**

On January 3, 2012, the Respondent filed a Motion for Reconsideration of the Board's December 30, 2011 Order in this proceeding. The December 30, 2011 Order denied the Respondent's September 9, 2011 Motion for Reconsideration of the Board's August 26, 2011 Decision and Order.<sup>1</sup>

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Respondent contends that the Board's December 30, 2011 Order was improper because it issued without the participation of a quorum, as Chairman Mark Gaston Pearce, who was a member of the panel together with former Member Craig Becker and current Member Brian E. Hayes, was recused. The Respondent states that it will be unable to litigate the Board's opinion in the U.S. Court of Appeals unless it seeks reconsideration of this opinion before the Board.

At footnote 2 of the Board's December 30, 2011 Order, the Board stated:

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<sup>1</sup> *New Vista Nursing & Rehabilitation, LLC*, 357 NLRB No. 69 (2011) (Board granted Acting General Counsel's Motion for Summary Judgment and, inter alia, ordered the Respondent, on request, to bargain with 1199 SEIU United Healthcare Workers East, NJ Region as the certified collective bargaining representative of its unit employees).

