

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

**SERVICE EMPLOYEES INTERNATIONAL UNION,
UNITED HEALTHCARE WORKERS-WEST
(SUTTER DELTA MEDICAL CENTER)**

and

Case 32-CB-091398

RACHELL GRISWOLD

ORDER

The petition to revoke subpoena duces tecum B-567978 filed by the Service Employees International Union, United Healthcare Workers-West is denied.

The petition to revoke was untimely filed under Section 11(1) of the Act and Sections 102.31 and 102.111 of the Board's Rules and Regulations, which require such a petition to be filed within five days after the date of service of the subpoena. A certified mail receipt signed by a representative of the Union establishes that the subpoena was received by the Union on January 2, 2013. The due date for receipt of the petition to revoke was January 9, 2013, but it was not filed until January 14, 2013. The Union neither filed a request for an extension of time nor proffered any explanation for the delayed filing. No party has argued that any policy considerations warrant disregard of the Board's five-day rule.

In addition, even assuming that the petition was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See

generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 21, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER