

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NYK LOGISTICS (AMERICAS), INC.  
Employer

and

Case 21-RC-21083

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 63,  
OFFICE CLERICAL UNIT  
Petitioner

ORDER

Petitioner's Request for Review of the Regional Director's Order Dismissing  
Petition is denied as it raises no substantial issues warranting review.<sup>1</sup>

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER

Dated, Washington, D.C., October 9, 2009.

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<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. September 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), petition for cert. filed 77 U.S.L.W. 3670 (U.S. May 22, 2009) (No. 08-1457); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. August 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed sub nom. *NLRB v. Laurel Baye Health\_care of Lake Lanier, Inc.*, \_\_U.S.L.W.\_\_ (U.S. September 29, 2009)(No. 09-377).

In denying review, Chairman Liebman does not pass on whether the seven employees that the Petitioner seeks to represent share a community of interest and could be an appropriate plant clerical bargaining unit pursuant to a newly filed petition.