

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

**NC-SHS, LLP d/b/a DESERT SPRINGS
HOSPITAL MEDICAL CENTER**

and

Case 28-CA-127971

THERESA VAN LEER, an Individual

**GENERAL COUNSEL'S EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Respectfully submitted,

Fernando J. Anzaldúa
Counsel for the General Counsel
National Labor Relations Board – Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
Telephone: 602-640-2126
Facsimile: 602-640-2178
Email: fernando.anzaldua@nlrb.gov

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

**NC-SHS, LLP d/b/a DESERT SPRINGS
HOSPITAL MEDICAL CENTER**

and

Case 28-CA-127971

THERESA VAN LEER, an Individual

**GENERAL COUNSEL'S EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended, the General Counsel files the following exceptions to the decision of Administrative Law Judge Ira Sandron (ALJ) in JD(ATL)–04–15:

1. To the ALJ's finding that the allegations that Respondent's Chief Executive Officer Sam Kaufman (Kaufman) and Chief Nursing Officer Elle McNutt's (McNutt) solicited grievances and promised benefits in meetings with employees were not part of the res gestae of the 8(a)(3) actions that the Respondent took against Charging Party Theresa Van Leer (Van Leer). (ALJD at 4:6-8).

2. To the ALJ's finding that Kaufman and McNutt's solicitation of grievances and promise of benefits in meetings with employees did not involve the same 8(a)(1) conduct as that alleged in the charge. (ALJD at 4:6-8).

3. To the ALJ's finding that Kaufman and McNutt's solicitation of grievances and promise of benefits in meetings with employees did not take place at the same time as the alleged 8(a)(1) conduct. (ALJD at 4:6-9).

4. To the ALJ's finding that "there is no evidence that the Respondent was provided with any specifics of the unpled allegations against them." (ALJD at 4:11-12).

5. To the ALJ's finding that "the allegations pertaining to Kaufman and McNutt did not meet the 'closely related' test and therefore were not properly part of the complaint." (ALJD at 4:16-17).

6. To the ALJ's failure to find that on March 28, 2014, Respondent's Human Resources Director Yomi Fabiyi (Fabiyi) threatened Van Leer with unspecified reprisals because she engaged in union activities. (ALJD at 17:21-25).

7. To the ALJ's failure to find that on April 8, 2014, Fabiyi threatened Van Leer with unspecified reprisals because she engaged in union activities. (ALJD at 18:10-14).

Dated at Phoenix, Arizona, this 10th day of April 2015.

Respectfully submitted,

/s/ Fernando J. Anzaldua

Fernando J. Anzaldua

Counsel for the General Counsel

National Labor Relations Board – Region 28

2600 North Central Avenue, Suite 1400

Phoenix, AZ 85004-3099

Telephone: 602-640-2126

Facsimile: 602-640-2178

Email: fernando.anzaldua@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that GENERAL COUNSEL'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION in NC-SHS, LLP d/b/a Desert Springs Hospital Medical Center, Case 28-CA-127971 was served via E-Gov, E-Filing, and Electronic Mail, on this 10th day of April 2015, on the following:

Via E-Gov, E-Filing:

Gary W. Shinnery, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570

Via Electronic Mail:

Thomas H. Keim, Attorney at Law
Ford & Harrison, LLP
100 Dunbar Street, Suite 300
Spartanburg, SC 29306-5188
Email: tkeim@fordharrison.com

Ms. Theresa Van Leer
1350 N. Town Center Dr. #2070
Las Vegas, NV 89144
Email: vhighouse@aol.com

/s/ Fernando J. Anzaldúa
Fernando J. Anzaldúa
Counsel for the General Counsel
National Labor Relations Board – Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
Telephone: 602-640-2126
Facsimile: 602-640-2178
Email: fernando.anzaldua@nrlb.gov