



United States Government
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

June 29, 2016

VIA CM/ECF

Marcia M. Waldron, Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: *NLRB v. Regency Heritage Nursing &
Rehabilitation Center*, No. 15-1883

Dear Ms. Waldron:

As allowed by FRAP Rule 28(j), the Board wishes to direct the Court's attention to a pertinent intervening decision of this Court, which supports the Board's arguments at pp. 28-33 of its brief. In *1621 Route 22 West Operating Co. v. NLRB*, No. 15-2466, 2016 WL 3146014 (3d Cir. June 6, 2016), the Court noted that it reviews "an agency member's decision not to recuse himself from a proceeding under a deferential, abuse of discretion standard." Slip op. at 26-27 (quoting *Metro. Council of NAACP Branches v. FCC*, 46 F.3d 1154, 1164 (D.C. Cir. 1995)).

Very truly yours,

Linda Dreeben
Deputy Associate General Counsel

By: /s/Kellie Isbell

Kellie Isbell, Esq.
202-273-2482

NATIONAL LABOR RELATIONS BOARD

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

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| NATIONAL LABOR RELATIONS BOARD |) | |
| Petitioner |) | |
| |) | |
| and |) | |
| |) | |
| 1199 SEIU, UNITED HEALTHCARE |) | No. 15-1883 |
| WORKERS EAST, NEW JERSEY REGION |) | |
| Intervenor |) | |
| |) | |
| v. |) | |
| |) | |
| REGENCY HERITAGE NURSING & |) | |
| REHABILITATION CENTER |) | |
| Respondent |) | |
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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

Dated at Washington, DC
this 29 day of June 2016

/s/ Linda Dreeben

Deputy Associate General Counsel
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