

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

ANTHONY & ASSOCIATES, INC.

and

Case 05-CA-153220

PHYLLIS A. HEMPHILL

ORDER

On September 2, 2016, the Respondent filed a Motion for Reconsideration and to Re-Open and/or Modify or Correct the Record. The Respondent's motion is denied as untimely under Section 102.48 of the Board's Rules and Regulations.¹

Dated, Washington, D.C., September 6, 2016.

By direction of the Board:

/s/ Farah Z. Qureshi

Associate Executive Secretary

¹ If Respondent's motion were to be considered on the merits, it would also be denied. Contrary to the Respondent's assertion, this case never entered the Board's ADR program. The Respondent was repeatedly advised that the Regional Office declined to participate in the Board's ADR Program in this case, and therefore the Respondent must discuss settlement directly with the Region outside the ADR Program. To assist the Respondent in discussing settlement with the Region, the Board granted the parties a limited extension of time to file exceptions to Administrative Law Judge Amchan's decision to June 17, 2016. When the parties failed to reach a settlement or file exceptions by that date, the Board, on June 30, 2016, adopted Judge Amchan's decision in the absence of exceptions. With respect to Respondent's assertions that due to changed circumstances it cannot fully comply with certain remedial provisions in the Board decision, those assertions are irrelevant to the Board's determination that the Respondent committed unfair labor practices, but may be raised in compliance proceedings. See, e.g., Yonkers Associates, 94 L.P., 340 NLRB 1237, 1237 (2003).