

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

**ASHFORD PRESBYTERIAN COMMUNITY  
HOSPITAL**

and

**Case 12-CA-165682**

**FEDERACIÓN PUERTORRIQUEÑA  
DE TRABAJADORES**

**ORDER DENYING MOTION**

The Respondent's Motion for Summary Judgment is denied. The Respondent has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law.<sup>1</sup>

Dated, Washington, D.C., October 20, 2016

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

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<sup>1</sup> Member Miscimarra agrees with the denial of the Respondent's motion as stated in the Board's Order. As Member Miscimarra stated in *L'Hoist North America of Tennessee, Inc.*, 362 NLRB No. 110, slip op. at 3 (2015) (concurring), "in response to a motion for summary judgment, I believe that the General Counsel at least must explain in reasonably concrete terms why a hearing is required. Under the standard that governs summary judgment determinations, this will normally require the General Counsel to identify material facts that are genuinely in dispute." See also *Leukemia & Lymphoma Society*, 363 NLRB No. 124, slip op. at 2 (2016) (Member Miscimarra, dissenting). In the instant case, the General Counsel has described, in reasonably concrete terms, why, based on material facts that are genuinely in dispute, a hearing is required.