



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary

1015 Half Street, SE

Washington, DC 20570

Telephone: 202-273-1949

Fax: 202-273-4270

www.nlr.gov

November 13, 2017

Kenneth F. Sparks
Vedder Price P.C.
222 North La Salle Street, Suite 2600
Chicago, IL 60601

**Re: Rush University Medical Center
Case 13-CA-152806**

Dear Mr. Sparks:

This letter acknowledges receipt of Respondent Rush University Medical Center's Request That The Board Seek Remand To Permit Further Consideration, filed on November 7, 2017, in the above-referenced case.

As you know, this case is currently pending in the United States Court of Appeals for the District of Columbia Circuit on the petition of Rush University Medical Center to review, and the cross-application of the National Labor Relations Board to enforce, the Board's August 7, 2015 Decision and Order (362 NLRB No. 163). Section 10(d) of the National Labor Relations Act ("the Act") provides that "the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it." 29 U.S.C. § 160(d). However, Section 10(e) of the Act makes clear that such power terminates "[u]pon the filing of the record with [the court]." 29 U.S.C. § 160(e); *accord Ford Motor Co. v. NLRB*, 305 U.S. 364, 368 (1939) ("The authority conferred upon the Board by Section 10(d) . . . end[s] with the filing in court of the transcript of record."). From that point forward, "the jurisdiction of the court [is] exclusive." 29 U.S.C. § 160(e); *see also Kronenberger v. NLRB*, 496 F.2d 18, 19 (7th Cir. 1974) (the court's "jurisdiction . . . [is] concurrent with that of the Board until the transcript of record [is] filed").

Here, the administrative record in the above-referenced case was filed with the D.C. Circuit over two years ago, on September 28, 2015. Under the clear terms of Section 10(e) of the Act, the Board ceased to have jurisdiction over the case at that point. The Board accordingly has no jurisdiction to entertain your motion, and therefore it will not be forwarded to the Board for consideration.

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties
Region