



United States Government
NATIONAL LABOR RELATIONS BOARD

Office of the Chairman
1015 Half Street, SE
Washington, DC 20570

August 20, 2018

Via Email (stuart.buttrick@FaegreBD.com)

Stuart R. Buttrick
Faegre Baker Daniels LLP
300 North Meridian Street
Indianapolis, Indiana 46204-1750

Re: *Ingredion, Inc. d/b/a Penford Products Co.*, Case No. 18-CA-209797

Dear Mr. Buttrick,

This letter is in response to your August 6, 2018 request for written consent from the Board to issue a subpoena Duces Tecum to Chief Administrative Law Judge Robert Giannasi. This response is made pursuant to Section 102.118 of the NLRB's Rules and Regulations, 29 C.F.R. § 102.118, pursuant to the policies of the Board.

Your letter states that the documents and testimony you seek to subpoena are necessary to ascertain whether Administrative Law Judge Charles Muhl – the judge presiding over the hearing in this case – was appointed in compliance with the Appointments Clause as required by the Supreme Court's decision in *Lucia v. SEC*, 585 U.S. ___, 138 S.Ct. 2044 (2018). As you may be aware, on the date of your letter, the Board issued an Order in *WestRock Services, Inc.*, 366 NLRB No. 157 (2018), in which it held that NLRB judges, like SEC judges, are inferior officers and that they must be appointed in accordance with the Appointments Clause. The Board further held that, pursuant to the Board's established procedures, "the Board collectively, as the Head of Department, validly appoints its administrative law judges in accordance with the Appointments Clause and has validly appointed each of its existing administrative law judges[.]"

As this holding establishes the validity of Judge Muhl's appointment in compliance with the Appointments Clause, there is no need for the documents and testimony you seek to subpoena. Accordingly, your request to issue the subpoena is denied.

Sincerely,

A handwritten signature in black ink that reads "John F. Ring".

John F. Ring, Chairman
National Labor Relations Board