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**St. Luke's Hospital and Massachusetts Nurses Association, Petitioner.** Case 01–RC–230363

August 19, 2019

ORDER

BY CHAIRMAN RING AND MEMBERS MCFERRAN  
AND KAPLAN

The Employer's request for review of the Acting Regional Director's Decision on Objections and Certification is denied because it raises no substantial issues warranting review.<sup>1</sup>

Dated, Washington, D.C. August 19, 2019

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John F. Ring, Chairman

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Lauren McFerran, Member

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Marvin E. Kaplan, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

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<sup>1</sup> Member Emanuel is recused and took no part in the consideration of this case.

We find that the Employer's request for review fails to raise any issue warranting review of the Regional Director's finding that the Employer failed to meet the heavy evidentiary burden of showing that the election results should be set aside based on its objections. In denying review, we do not rely on the Hearing Officer's statement that Union Representative Hermanson "admitted that some employees who had signed cards did not intend to support the Union when the flyer was distributed because people change their minds." Rather, we find that the cited testimony establishes only that Hermanson knew that 10–12 employees, whose signatures the Petitioner excluded from the flyer, were no longer committed to voting for the Petitioner.

Chairman Ring and Member Kaplan note that they would be open to reconsidering *Midland National Life Insurance Co.*, 263 NLRB 127 (1982), in a future appropriate case.