

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ISLAND HOSPITALITY  
MANAGEMENT II, LLC  
d/b/a HAMPTON INN-  
LONG ISLAND BROOKHAVEN

Employer

and

Case 29-RC-235501

NEW YORK HOTEL & MOTEL  
TRADES COUNCIL, AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Order and Certification of Representative is denied because it raises no substantial issues warranting review.<sup>1</sup> The Employer's request for extraordinary relief is denied as moot.

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., November 21, 2019.

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<sup>1</sup> We reject the Employer's argument, raised for the first time in its Request for Review, that the Hearing Officer's credibility determinations were not in fact demeanor-based. This issue was not properly presented to the Board. See Board Rules and Regulations, Sec. 102.67(e) ("Such request may not raise any issue or allege any facts not timely presented to the Regional Director."). Even if the issue were properly before the Board, the Hearing Officer stated that her credibility determinations were, at least in part, demeanor-based, and her discussion of her credibility resolutions bears out this statement. In any event, the Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.