ORDER

The Employer’s Request for Review of the Regional Director’s Decision on Challenged Ballots and Objection and Supplemental Decision on Challenges and Direction on Challenges is denied as it raises no substantial issues warranting review.¹


LAUREN McFERRAN, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

¹ Based on our careful review of the Regional Director’s decisions, we reject the Employer’s unsubstantiated claims that the Region “has made itself party to Petitioner’s manhandling” of a voter, “impugned the integrity of the mail balloting process,” or is “hiding from the truth.” We also find that the Employer has not proven fraud by the Union or the challenged voter, and we caution parties against making such serious accusations before the Board without supporting evidence or a reasonable basis for doing so.

Member Wilcox notes that she did not participate in Professional Transportation, Inc., 370 NLRB No. 132 (2021), and expresses no view as to whether it was correctly decided. However, she agrees with the Regional Director that Professional Transportation is factually distinguishable because there is no evidence here that the Petitioner sent the allegedly objectionable text message which, in any event, could not reasonably be interpreted as a ballot solicitation.