The Region submitted this case for Advice on whether it presented a good vehicle to argue that *Valley Hospital Medical Center,* 368 NLRB No. 139 (2019), *rev. granted sub nom. Local Joint Executive Board of Las Vegas v. NLRB,* 840 F. App’x 134 (9th Cir. 2020) should be overturned. We conclude that this case does not present an appropriate vehicle to ask the Board to reconsider *Valley Hospital.*[1]

As explained in ICG 21-10, if after conducting a broad analysis it is abundantly clear that there is no violation of extant Board law and that there are no related meritorious allegations, Regions should submit the case to Advice with a recommendation to dismiss. The broad analysis anticipated is one where, after considering Board law, a determination is made as to whether there is any arguable merit under the extant law.

In *Valley Hospital,* the Board overruled its earlier decision in *Lincoln Lutheran of Racine,* 362 NLRB 1655 (2015), and held it lawful to cease giving effect to a dues checkoff provision upon contract expiration. That is precisely what the Employer did here, relying on *Valley Hospital,* supra. Careful consideration in the application of *Valley Hospital* here could not reasonably lead to a finding of arguable merit. Moreover, the sole allegation in this case is whether the Employer’s post-contract cessation of dues checkoff violated the Act. There are no other cases or allegations under consideration at this time, nor is there sufficient evidence of any other unfair labor practices on this record.

Thus, since the Employer’s post-expiration cessation of union dues is not a violation of the Act under current Board law and the case presents no other meritorious allegations, the Region should dismiss the charge absent withdrawal.

This email closes the case in Advice. Please contact us with any questions or concerns.

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[1] The General Counsel disagrees with the Board’s decision in *Valley Hospital.* Although we conclude that this particular case does not present an appropriate vehicle to ask the Board to overrule *Valley,* the General Counsel intends to do so in a future appropriate case.
particular case does not present an appropriate vehicle to ask the Board to overrule *Valley*, the General Counsel intends to do so in a future appropriate case.