

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 19**

**UNITE HERE! LOCAL 8
(Embassy Suites Management LLC
d/b/a Embassy Suites by Hilton,
Seattle Downtown Pioneer Square)**

and

Case 19-CB-227622

GLADYS BRYANT, an Individual

**EMBASSY SUITES MANAGEMENT LLC
d/b/a EMBASSY SUITES BY HILTON,
SEATTLE DOWNTOWN PIONEER SQUARE**

and

Case 19-CA-227623

GLADYS BRYANT, an Individual

**ORDER WITHDRAWING CONSOLIDATED COMPLAINT AND
NOTICE OF HEARING AND DISMISSING CHARGE**

On July 1, 2020, I issued an Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing (“Consolidated Complaint”) in the above-captioned matter. The Consolidated Complaint alleges, *inter alia*, that UniteHere! Local 8 (“Respondent Union”) and Embassy Suites Management, LLC d/b/a Embassy Suites by Hilton, Seattle Downtown Pioneer Square (“Respondent Employer”), violated § 8(b)(1)(A) and §§ 8(a)(1) and (2) of the National Labor Relations Act (“Act”), 29 U.S.C. § 151 *et seq.*, respectively, by entering into and maintaining a Memorandum of Agreement prior to Respondent Union representing an uncoerced majority of the employees employed by Respondent Employer and by Respondent Employer’s subsequent recognition of Respondent Union as the collective-bargaining representative of its employees.

At no time since issuance of Consolidated Complaint have the allegations therein violated the Act. Rather, as set forth in the Consolidated Complaint, former General Counsel Peter Robb, pursuant to his prosecutorial discretion, was seeking to have the Board reverse existing case law. Since issuance of the Consolidated Complaint, General Counsel Robb has departed and, on January 25, 2021, President Biden designated Peter Sung Ohr as Acting General Counsel.

The Acting General Counsel, having had the opportunity to revisit the allegations in the Consolidated Complaint, pursuant to his prosecutorial discretion, does not wish to continue the prosecution of this matter given that the Consolidated Complaint does not state a violation of current law. See, e.g., *Dana Corp.*, 356 NLRB 256 (2010), *Tecumseh Corrugated Box*, 333 NLRB 1 (2001); *Coamo Knitting Mills*, 150 NLRB 579 (1964). Accordingly,

IT IS HEREBY ORDERED that the Consolidated Complaint and its attendant Notice of Hearing are withdrawn and the underlying Charges in Cases 19-CB-227622 and 19-CA-227623 are dismissed.¹

¹ **Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals.

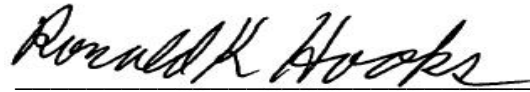
Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequent asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **February 12, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found

DATED at Seattle, Washington, this 29th day of January, 2021.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 Second Ave.
Seattle, Washington 98174

to be timely filed if it is postmarked or given to a delivery service no later than **February 11, 2021**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Union provides a good reason for doing so and the request for an extension of time is **received on or before February 12, 2021**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **February 12, 2021, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.