

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MAUSER PACKAGING SOLUTIONS

and

Case 06-CA-358035

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, AFL-CIO/CLC

ORDER

The Respondent's Motion to Dismiss is denied. The Respondent has not demonstrated that the complaint fails to state a claim upon which relief can be granted and that it is entitled to judgment as a matter of law.¹ This denial is without prejudice to the Respondent's right to present its arguments to the administrative law judge and before the Board on any exceptions that may be filed to the judge's decision, if appropriate.

Dated, Washington, D.C., March 2, 2026.

DAVID M. PROUTY, MEMBER

JAMES R. MURPHY, MEMBER

SCOTT A. MAYER, MEMBER

¹ The Respondent argues that the Board's members and administrative law judges are unconstitutionally insulated from removal. Because there is no evidence that the Respondent suffered any harm from the removal protections, the Respondent is not entitled to judgment as a matter of law. See *SJT Holdings, Inc.*, 372 NLRB No. 82, slip op. at 1 fn. 4 (2023) (citing *Collins v. Yellen*, 594 U.S. 220, 257-258 (2021), and *Calcutt v. FDIC*, 37 F.4th 293, 316 (6th Cir. 2022), rev'd per curiam on other grounds 598 U.S. 623 (2023)); *K & R Contractors, LLC v. Keene*, 86 F.4th 135, 148-149 (4th Cir. 2023) (“[R]egardless of how we answer the constitutional question presented by the removal provisions, we would be required to deny the petition because K & R has not asserted any harm resulting from the allegedly unconstitutional statutes[.]”).