Satellite Healthcare (Santa Rosa) *and* Service Employees International Union, United Healthcare Workers—West. Case 20–RC–360713

January 15, 2026

ORDER

BY MEMBERS PROUTY, MURPHY, AND MAYER

The Employer's Request for Review of the Regional Director's Decision Overruling Employer's Election Objection and Certification of Representative is denied as it raises no substantial issues warranting review.[1]

Dated, Washington, D.C. January 15, 2026

David M. Prouty, Member

James R. Murphy, Member

Scott A. Mayer, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

[1] In denying review, we reject the Employer's argument that the Regional Director had no authority to rule on its objections or certify the results of the election because the Board lacked a quorum when the objections were filed and when the Regional Director issued her Decision. The Board interprets Sec. 3(b) of the Act to permit Regional Directors to continue to exercise their delegated authority while the Board lacks a quorum. See *Durham School Services*, 361 NLRB 702 (2014). Consistent with that interpretation, Sec. 102.182 of the Board's Rules and Regulations provides that "[t]o the extent practicable, all representation cases may continue to be processed and the appropriate certification should be issued by the Regional Director notwithstanding the pendency of a request for review." See also Sec. 102.178 of the Board's Rules and Regulations (providing that "[t]he policy of the National Labor Relations Board is that during any period when the Board lacks a quorum normal Agency operations should continue to the greatest extent permitted by law.").

We also reject the Employer's argument that circuit court cases upholding the Board's interpretation of Sec. 3(b) under *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837 (1984), are now invalid because *Chevron* has since been overruled by *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024). The Supreme Court in *Loper Bright* was clear that, in overruling *Chevron*, it did not "call into question prior cases that relied on the *Chevron* framework," and that "[t]he holdings of those cases that specific agency actions are lawful . . . are still subject to statutory stare decisis despite our change in interpretive methodology." *Loper Bright*, 603 U.S. at 412. Therefore, the Regional Director did not err in citing *UC Health v. NLRB*, 803 F.3d 669 (D.C. Cir. 2015), and other circuit court cases upholding the Board's interpretation of Sec. 3(b) under *Chevron*.

In any event, *Loper Bright* does not provide a basis for the Board to change its interpretation of Sec. 3(b). As the United States Court of Appeals for the District of Columbia Circuit explained in *UC Health*, the Board's view that the Act's express authorization of the delegation of power to the Regional Directors to conduct elections and certify their results remains effective regardless of the Board's composition "gives effect to each part of [Sec. 3(b)]," "is in no way contrary to the text, structure, or purpose of the statute," and is "fully in line with the policy behind Congress's decision to allow for the delegation in the first place." 803 F.3d at 675.