

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WALMART INC.

and

Case 06-CA-299058

BRYARR CHARLES MISNER

ORDER

On March 28, 2024, the General Counsel filed with the National Labor Relations Board a request for special permission to appeal and an appeal from Administrative Law Judge Michael P. Silverstein's order approving Walmart Inc.'s (the Respondent's) proposed consent order over the objections of the General Counsel and the Charging Party. The Respondent filed an opposition on April 4, 2024.

While the appeal was pending, the Board issued its decision in *Metro Health, Inc. d/b/a Hospital Metropolitano Rio Piedras*, 373 NLRB No. 89 (2024), overruling *UPMC and its Subsidiary, UPMC Presbyterian Shadyside*, 365 NLRB 1418 (2017), and ending retroactively its practice of allowing cases to be resolved through consent order. In light of that decision, we grant the General Counsel's request for permission, grant the appeal on the merits, set aside the consent order, and remand the matter to the judge for further action consistent with this Order.¹

Dated, Washington, D.C. February 27, 2026.

DAVID M. PROUTY,	MEMBER
JAMES R. MURPHY,	MEMBER
SCOTT A. MAYER,	MEMBER

¹ Members Murphy and Mayer did not participate in *Hospital Metropolitano Rio Piedras* and express no view on whether it was correctly decided. They apply it for institutional reasons for the purpose of deciding this case.