

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MERCEDES-BENZ OF MANHATTAN

Employer

and

NATHAN HANBY

Petitioner

Case 02-RD-367095

and

UNITED AUTO WORKERS LOCAL 259

Union

ORDER

The Petitioner's and the Employer's Requests for Review of the Acting Regional Director's determination to hold the petition in abeyance are denied as they raise no substantial issues warranting review.¹

JAMES R. MURPHY,

CHAIRMAN

DAVID M. PROUTY,

MEMBER

¹ In denying review, we note that the Acting Regional Director acted in accordance with Sec. 103.20 of the Board's Rules and Regulations, which sets out the Board's blocking-charge policy.

For institutional reasons, Chairman Murphy and Member Mayer apply extant law in denying the Petitioner's and the Employer's Requests for Review and express no opinion on whether the policy was correctly determined.

Member Mayer notes that the Board's current blocking charge procedures contemplate that regional directors will continue to evaluate a blocking determination throughout the steps of processing the charge and the petition. See Sec. 11730.4 of the Board's Casehandling Manual (Part 2), Representation Proceedings ("[T]he Regional Director should assess, throughout the steps of processing the charge and the petition, whether the charge blocks the petition."); Sec. 103.20(e) of the Board's Rules and Regulations ("[i]f, after holding a petition in abeyance, the regional director determines that special circumstances have arisen or that employee free choice is possible notwithstanding the pendency of the unfair labor practices, the regional director may resume processing the petition."). In Member Mayer's view, the Board should consider whether its current blocking charge policy gives sufficient weight to the passage of time since the petition was filed for the purpose of making that determination. He further stresses that unfair labor practice cases should be prioritized insofar as the case is currently blocking an election petition.

SCOTT A. MAYER,

MEMBER

Dated, Washington, D.C., July 16, 2026.