

NLRB WEEKLY SUMMARY OF DECISIONS, NOVEMBER 2 – 6, 2015

November 13, 2015 | [National Labor Relations Board, Labor Relations](#)

The Summary of NLRB decisions for the week of November 2 – 6, 2015, is now available. **Summarized Board Decisions *Aria Resort & Casino, LLC d/b/a Aria* (28-RC-154093; 363 NLRB No. 24)** Las Vegas, NV, November 3, 2015. The Board denied the Employer's Request for Review of the Regional Director's Decision and Direction of Election. In this case, the Petitioner failed to check a box on the petition for indicating that it had requested recognition from the Employer. The Employer accordingly argued that the petition should be dismissed. In denying review, the Board agreed with the Regional Director's reliance on *Advance Pattern Co.*, 80 NLRB 29 (1948). The Board explained that under *Advance Pattern* and its progeny, the Board has consistently held that if a question concerning representation exists, the Board will not dismiss a petition simply because a petitioner fails to indicate on the petition form whether it has requested recognition and the employer has declined to extend recognition. In this case, the Petitioner requested recognition at the hearing, and the Employer declined to recognize it, and this was sufficient to establish the existence of a question concerning representation. The Board stated that to dismiss the petition under these circumstances would be an abrogation of the Board's statutory duty to resolve questions concerning representation. The Board rejected the Employer's contention that adhering to this longstanding rule was arbitrary and capricious, stated that a failure to indicate on a petition form that a request for recognition was made does not prejudice employers, and emphasized that nothing in the Board's recent amendment to its rules and regulations purports to alter its longstanding practice in this area. Petitioner—International Union of Operating Engineers, Local 501, AFL-CIO. Chairman Pearce and Members Miscimarra and McFerran participated. To read more, visit the [NLRB's website](#).

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations
National Labor Relations Board (NLRB)

RELATED TOPICS

Weekly Summary