

Federal Court Refuses To Address Attempted Challenge To The President's NLRB Recess Appointments

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As we have previously [discussed here](#), a group of business organizations have attempted to challenge the validity of President Obama's [recess appointments](#) to the National Labor Relations Board as part of their case challenging the NLRB's quickie election rules. On March 2, 2012, Federal Judge Amy Berman Jackson denied the request to add the recess-appointment-challenging claims and did not address the legality of the appointments. In her ruling, Judge Jackson stated, "[s]o the question of whether the new Board members can lawfully adjudicate an action that may be brought by a representative of the General Counsel in the future is not ripe." Further, Judge Jackson found that, "resolution of the new claim is not essential, or even relevant, to resolving the merits of the original [quickie election rules] claims."

Plaintiffs are expected to appeal the court's ruling. A copy of the Order can be [found here](#).

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