

**NLRB, Board Decision, H&M International Transportation, Inc., (Unpublished)**

NLRB

Decisions of the National Labor Relations Board

**UNITED STATES OF AMERICA**

**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

H&M International Transportation, Inc. and

International Longshoremen's Association, Local 1970

Case *05-CA-241380*

**Order<sub>1</sub>**

On January 25, 2021, the first day of hearing in this case, the Respondent filed a motion to dismiss the complaint and requested a stay of the proceedings, arguing that the case could not be prosecuted because President Biden's removal of former General Counsel Robb was invalid. Administrative Law Judge Sharon Levinson Steckler issued an order from the bench denying the Respondent's motion. Thereafter, in accordance with Section 102.26 of the National Labor Relations Board's Rules and Regulations, the Respondent filed the instant request for special permission to appeal the judge's Order. The Acting General Counsel and the Charging Party have filed oppositions.

Having duly considered the matter, we deny the Respondent's request for permission to file a special appeal. The Respondent has failed to establish that its objections cannot be appropriately addressed later in the proceedings, such as on [\*2] exceptions to the Board pursuant to Section 102.46 of the Rules and Regulations, in the event the Respondent receives an adverse ruling.

The request for an emergency stay of the hearing is dismissed as moot.

Dated, Washington, D.C., March 1, 2021.

LAUREN McFERRAN, CHAIRMAN WILLIAM J. EMANUEL, MEMBER JOHN F. RING, MEMBER

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1 The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.