

NLRB GC Invalidity Ruling To Trigger New Wave Of Challenges

News

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Charles Caulkins of the Fort Lauderdale office was interviewed in the August 22 *Law360* article "[NLRB GC Invalidity Ruling To Trigger New Wave Of Challenges](#)."

The media outlet reported on a recent federal court ruling that National Labor Relations Board acting general counsel Lafe Solomon's appointment was invalid.

A U.S. District judge threw out a lawsuit finding that the regional director who brought the case on the NLRB's behalf lacked the power to do so.

The judge said that Solomon's delegation of authority to the regional director was no good and rejected the argument that Solomon's appointment conformed to the requirements of the Federal Vacancies Reform Act.

The ruling will almost certainly draw challenges from the NLRB, as well as employers or unions that were involved in cases during Solomon's tenure.

Charles said that not only are there more actions — aside from labor board rulings — that could be open to challenges if the acting general counsel's appointment was invalid, but the time window during which those challenges could be brought spans more than three years.

He noted that Solomon has been acting general counsel since 2010.

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