

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

POLYTECHNIC INSTITUTE OF  
NEW YORK UNIVERSITY,  
Employer

and

Case No. 29-RC-12054

INTERNATIONAL UNION, UAW,  
Petitioner

**PETITIONER'S REQUEST FOR LEAVE TO FILE  
SUPPLEMENTAL MEMORANDUM OF LAW**

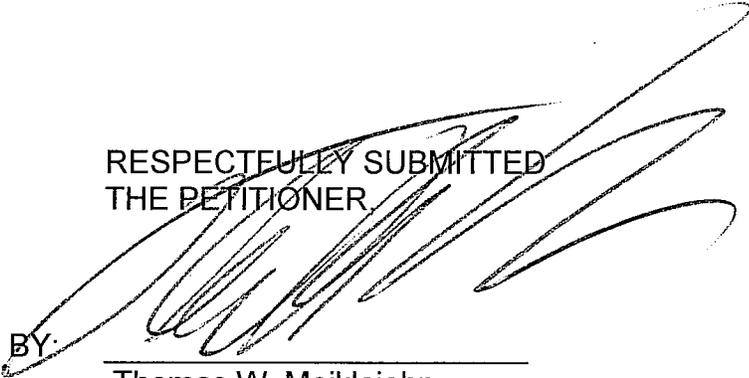
On August 30, 2011, the Regional Director for Region 29 issued his Decision and Order in the above-captioned matter, dismissing this petition on the ground that the unit sought is composed of graduate assistants, whose legal right to organize was taken from them in Brown University, 342 NLRB 48 (2004). On September 13, 2011, the Petitioner filed a request for review, urging the Board to overrule Brown. On September 20, the Employer filed its response to the request for review, arguing, *inter alia*, "In light of the Board's well-established policy requiring a three-member majority to reverse precedent, Polytechnic further suggest that it would be inappropriate and serve no purpose for the Board to grant the Request for Review in this case seeking reversal of *Brown* if the current members of the Board are unable to do so."

The Employer's argument raises a new and significant issue which has not previously been addressed in this case. There are substantial legal issues and policy considerations involved with the question of whether the Board should decide important issues when its membership has dropped below a full complement. Therefore, the

Petitioner respectfully requests leave to submit the attached memorandum to address this issue.

RESPECTFULLY SUBMITTED  
THE PETITIONER

BY:



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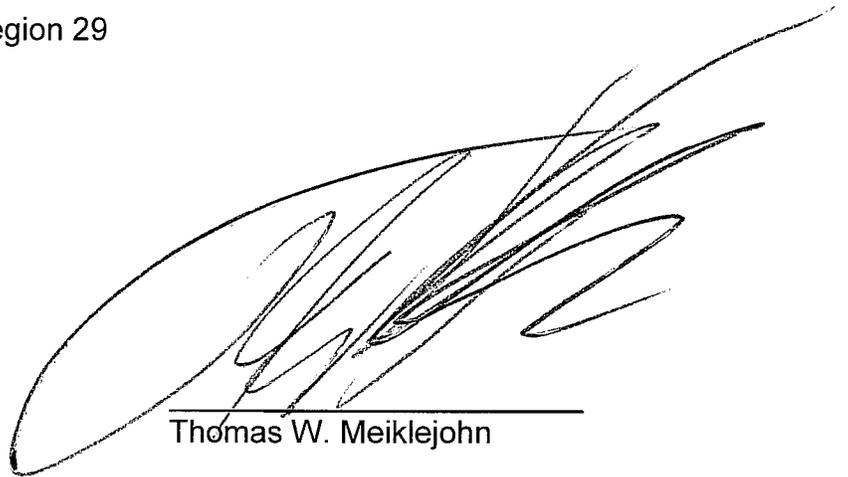
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**CERTIFICATE OF SERVICE**

This hereby certifies that the foregoing Petitioner's Request For Leave To File Supplemental Memorandum Of Law was electronically mailed, on this 20<sup>th</sup> day of October 2011 to all counsel of record as follows:

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