

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1397

September Term, 2011

FILED ON: FEBRUARY 21, 2012

ESSEX VALLEY VISITING NURSES ASSOCIATION, NEW COMMUNITY CORPORATION, AND
NEW COMMUNITY HEALTH CARE, INC.,
PETITIONERS

v.

NATIONAL LABOR RELATIONS BOARD,
RESPONDENT

Consolidated with 10-1424

On Petition for Review and Cross-Application for
Enforcement of an Order of the National Labor Relations Board

Before: SENTELLE, *Chief Judge*, SILBERMAN and WILLIAMS, *Senior Circuit Judges*

J U D G M E N T

This petition for review and cross-application for enforcement were considered on the record, briefs, and oral arguments of the parties. Although the issues present no need for a published opinion, they have been accorded full consideration by the Court. See Fed. R. App. P. 36; D.C. Cir. R. 36(d). For the reasons that follow, it is

ORDERED and **ADJUDGED** that the petition for review be denied and the cross-application for enforcement be granted.

Petitioners' claims are rejected, some because they have been resolved already by the Board's previous decision in *Essex Valley Visiting Nurses Association and Health Professionals and Allied Employees., Local 5122*, 343 NLRB 817 (2004), *enforced NLRB*

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v. Essex Valley Visiting Nurses Association, No. 05-3351 (3d Cir. Nov. 18, 2005), others because petitioners' contentions that the Board decision under review lacked substantial evidence, was an abuse of discretion, or was arbitrary, are without merit.

Pursuant to Rule 36 of this Court, this disposition will not be published. The clerk is directed to withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing or petition for rehearing *en banc*. See FED. R. APP. P. 41(b); D.C. CIR. R. 41.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Jennifer M. Clark

Deputy Clerk