

October 29, 2010

Elisabeth A. Shumaker
Clerk of Court

PUBLISH
UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

TEAMSTERS LOCAL UNION NO.
523, affiliated with the International
Brotherhood of Teamsters,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent,

KIRK RAMMAGE,

Intervenor.

Nos. 08-9568, 08-9577
(Ag. Nos. 17-CA-23404 & 17-CB-6146)

OPINION ON REMAND FROM THE UNITED STATES SUPREME COURT

Before **TACHA**, **HOLLOWAY**, and **KELLY**, Circuit Judges.

TACHA, Circuit Judge.

On remand from the United States Supreme Court’s opinion in *Teamsters Local Union Number 523 v. N.L.R.B.*, — S.Ct. —, 2010 WL 1990005 (2010), we hold that the two-member NLRB group that issued the order in this case lacked

statutory authority to act. *New Process Steel, L.P. v. N.L.R.B.*, 130 S.Ct. 2635, 2640 (2010). Therefore, we VACATE the Board's order and REMAND to the Board for further proceedings. We GRANT Respondent/Cross-Petitioner's motion for remand.