

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

June 15, 2010

The Honorable David P. Berry
Inspector General
National Labor Relations Board
Office of Inspector General
1099 14th Street NW, Room 982
Washington, DC 20570

Dear Mr. Berry,

I am writing to request that you investigate whether Member Craig Becker's participation in the case between the Service Employees International Union (SEIU) and St. Barnabas Hospital before the National Labor Relations Board (NLRB) violated his ethics pledge or any other relevant conflict of interest provision.

After his nomination to the NLRB was rejected by the Senate, President Obama, on March 27, 2010, appointed Craig Becker, former Assistant General Counsel for SEIU, to the NLRB pursuant to a controversial recess appointment. Upon accepting the appointment, like all appointees, Member Becker signed the ethics pledge (Executive Order No. 13490) which states:

I will not for a period of 2 years from the date of my appointment participate in any matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.¹

Despite his ethics pledge and previous employment with SEIU, on June 3, 2010, Member Becker joined with the other members of the NLRB in a case involving SEIU Local 1957 and denied St. Barnabas Hospital's request for review of the Regional Director's Decision and Direction of Election.² This appears to be a case where Member Becker should have recused himself.

¹ Ethics Pledge, http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2009/do09003a.pdf (last visited June 9, 2010).

² *St. Barnabas Hospital and Committee of Interns and Residents, Local 1957, SEIU*, Petitioner. Case 2-RC-23356.

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Page 2 of 2

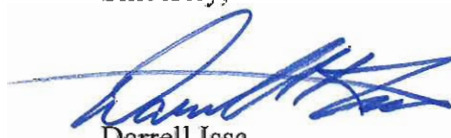
To ensure the integrity of the NLRB, I ask that you open an investigation into Member Becker's activities as quickly as possible and before another NLRB decision is tainted by questions of bias.

The Committee on Oversight and Government Reform is the main investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, it has authority to investigate the subjects within the Committee's legislative jurisdiction as well as "any matter" within the jurisdiction of the other standing House Committees. This broad jurisdiction includes the oversight of Executive Branch operations and administrative functions.

Please respond in writing by June 30, 2010 that you have begun an inquiry into this issue. If you should have any questions, please contact Steve Castor or Marvin Kaplan at (202) 225-5074.

Thank you for your prompt attention on this important matter.

Sincerely,



Darrell Issa
Ranking Member

cc: The Honorable Edolphus Towns, Chairman