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The Board is Back: NLRB Resumes Decisions, Affirms Regional Directors' Authority Without a Quorum

Labor Relations Update on **January 20, 2026**

On January 15, 2026, the National Labor Relations Board ("NLRB" or the "Board") issued its first published decision with a new quorum. In *Satellite Healthcare*, 374 N.L.R.B. No. 25, the Board held that Regional Directors ("RDs") retain their delegated authority even when the Board lacks a quorum, and that the U.S. Supreme Court's decision in *Loper Bright*—overruling *Chevron* deference—does not alter that conclusion.

Background

During the Board's loss of quorum over the past year, employers argued that RDs could not process charges, conduct union elections, or take other administrative action without a seated Board.

Satellite Healthcare advanced those arguments after a union election, asserting that the RD lacked authority to (i) certify the election results; and (ii) rule on election objections. Satellite Healthcare argued that *Loper Bright* undercut precedent recognizing RDs' authority during a lapse in quorum.

NLRB Decision

The Board denied Satellite Healthcare's Request for Review and reaffirmed that Section 3(b) of the National Labor Relations Act ("NLRA" or the "Act") permits RDs to exercise delegated authority notwithstanding an absence of quorum. The Board also noted that its Rules and Regulations direct that representation cases should continue to be processed, and election certifications should be issued, despite the Board's inability to act on that request without a quorum.

Effect of *Loper Bright*

The Board concluded that *Loper Bright* does not disturb this interpretation of Section 3(b). The overruling of *Chevron* does not affect statutory *stare decisis*, and the Board reaffirmed that Congress's delegation framework in Section 3(b) reflects a policy choice to ensure the continuity of core regional functions during periods when the Board cannot act.

Takeaways

Satellite Healthcare aligns with longstanding precedent but is significant as the first decision of the newly-constituted NLRB quorum. It signals the Board's readiness to reengage with existing doctrine while confirming that Regional Offices will continue to function irrespective of Board vacancies. The practical impact may be felt most acutely in future quorum gaps; the expiration of Member Prouty's term in August 2026 could bring the issue back to the forefront sooner than anticipated.

We will continue to track relevant decisions and developments at the Board.

Related Professionals

- **Daniel H. Dorson**
  Associate
- **Joshua S. Fox**
  Partner
- **Michael S. Kratochvil**
  Associate