



NATIONAL MEDIATION BOARD

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53 NMB No. 6
December 16, 2025

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Re: NMB Case Nos. R-7653 & R-7654
Mercy Flight Central / IAEP

Dear Participants:

This determination addresses the Motion for Reconsideration (Motion) filed by Mercy Flight Central, Inc. (Mercy or Carrier) on September 19, 2025. Mercy seeks reconsideration of the National Mediation Board's (NMB or Board) September 18, 2025 determination dismissing Mercy's allegations of election interference and declining to investigate further, *See Mercy Flight Central*, 52 NMB 220 (2025). For the reasons set forth below, Mercy's Motion is granted. Due to the unique circumstances of this case, the Board will conduct an investigation to determine whether laboratory conditions were tainted.

Procedural History

On January 8, 2025, the International Association of EMTs and Paramedics (IAEP) filed applications with the Board alleging representation disputes involving Mercy's Flight Paramedics craft or class and its Flight Registered Nurses craft or class. On February 4, 2025 Mercy filed election interference allegations in both cases.

On April 8, 2025, the Board determined that no extraordinary circumstances existed that would warrant deviating from its practice of investigating interference allegations post-tally. *See Mercy Flight Central*, 52 NMB 129 (2025). On April 14, 2025, the Board authorized elections. On June 10, 2025, in NMB Case No. R-7653, the Board certified IAEP as the representative of Flight Paramedics after it received eight of 13 votes. *See Mercy Flight Central*, 52 NMB 182 (2025). And in NMB Case No. R-7654, the Board certified IAEP as the representative of Flight Registered Nurses after it received nine of 13 votes.

On June 19, 2025, Mercy again filed election interference allegations pursuant to Manual Section 17.0. The Board dismissed the allegations on September 18, 2025. *See Mercy Flight Central*, 52 NMB 220 (2025). Mercy filed its Motion on September 19, 2025 and IAEP filed a response in opposition to Mercy's Motion on September 22, 2025.

Discussion

The Board's Representation Manual (Manual) at Section 11.0 states the following:

Any motions for reconsideration of Board determinations must be received by the General Counsel within two (2) business days of the decision's date of issuance . . . The motion must state the points of law or fact which the participant believes the NMB has overlooked or misapplied and the grounds for the relief sought. Absent a demonstration of material error of law or fact or circumstances in which the NMB's exercise of discretion to modify the decision is important to the public interest, the NMB will not grant the relief sought. The mere reassertion of factual and legal arguments previously presented to the NMB is insufficient to obtain relief.

The Board recognizes the vital importance of the consistency and stability of the law and "grants relief on Motions for Reconsideration in limited circumstances

where, in its view, the prior decision is fundamentally inconsistent with the proper execution of the NMB's responsibilities under the "Railway Labor Act (RLA or Act). *Norwegian Air Shuttle*, 42 NMB 152, 154 (2016). *See also Port Auth. Trans-Hudson Corp.*, 34 NMB 114, 116-17 (2007).

In its September 18, 2025 determination the Board majority held that Mercy's allegations of election interference amounted to isolated incidents, rather than a "systemic campaign" required to be considered interference. On reconsideration, the Board notes that its own precedent on this issue generally derives from representation elections with much larger numbers of employees. Because the RLA requires systemwide representation, many elections at air carriers are among hundreds or thousands of employees across a nationwide system. The Board has at times found that a greater number of incidents did not taint laboratory conditions among such large groups of employees. Here, there were two elections with only 26 voters total. The facts indicate that the Flight Paramedics and the Flight Registered Nurses work closely together, partnering on flights. Although the information provided by the Carrier only describes isolated incidents, among such small numbers, such incidents might have greater impact in this environment.

It remains the Board's responsibility to maintain the integrity of the election process and ensure that employees choose whether to be represented free from interference or coercion. In order to properly execute that responsibility, the Board finds that under the circumstances, including the small size of the workforce and the nature of the allegations, further investigation is appropriate.

Conclusion

Mercy's Motion for Reconsideration is granted. In its February 5, 2025 submission, the IAEP requested the opportunity to provide evidence in the event an investigation was conducted. That request is also granted. The Investigator will determine the scope and form of the investigation and will contact the participants regarding scheduling.

By direction of the Board.

A handwritten signature in black ink, appearing to read "Maria-Kate Dowling".

Maria-Kate Dowling
General Counsel