



**FEDERAL COURT IN DISTRICT OF COLUMBIA REVERSES
REMOVAL OF GWYNN WILCOX FROM THE NLRB**

Federal Judge Beryl Howell on March 6, 2025, granted summary judgment for Gwynn Wilcox on her claims that President Trump violated the National Labor Relations Act when he terminated her as a member of the National Labor Relations Board on January 27, 2025. Ms. Wilcox previously served as a Member of the NLRB from August 4, 2021 until August 27, 2023, and was confirmed by the Senate on September 6, 2023, for a second five-year term ending August 27, 2028. She was designated as Chair of the Board by President Biden on December 17, 2024.

Ms. Wilcox is the first Black woman to serve on the Board since its inception in 1935, and is also the first Black woman to serve as Chair of the NLRB. She is the first person in the ninety-year history of the NLRB to have been terminated from the Board membership.

She was terminated without notice or a hearing and without cause, and for these and constitutional reasons the district court has enjoined the Board's Chair and its agents from removing her from her office without cause or impeding in any way her ability to perform her duties as member of the NLRB. She is to be provided access to government facilities and equipment so that she can carry out her duties. The court declared that her termination was unlawful and that a Board member may only be removed prior to the expiration of a term upon noticed and hearing and a showing of neglect of duty or malfeasance in office, but for no other reason.

In analyzing the statutory and constitutional issues that have arisen in this case, the court noted that an American president is not a king—not even an “elected” one and his power to remove federal officers and honest

civil servants like plaintiff is not absolute, but may be constrained in appropriate circumstances, as are present here.

Ms. Wilcox returned to her position on the Board in the past few days, so the Board once again has three members and a quorum on which it can issue decisions. As a result of her removal, the Board had only two members and could not operate in the absence of a quorum. She now joins the other two members of the Board - Republican-appointee Chair Marvin Kaplan and Democratic-appointee David Prouty. With the three-member quorum, the Board is now able to issue decisions.

The court denied a request by the President to stay the reinstatement order, and the President has appealed to the U.S. Court of Appeals. We will keep you advised of any further developments.

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