

In the Matter of BRAYTON FLYING SERVICE, INC. and INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 9, A. F. of L.

*Case No. 14-R-755.—Decided November 6, 1943*

*Fordyce, White, Mayne, Williams & Hartman*, by *Mr. N. W. Hartman*, of St. Louis, Mo., for the Company.

*Mr. Nelson Briner* and *Mr. Oscar Morley*, of St. Louis, Mo., for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

## DECISION

AND

## ORDER

### STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, District No. 9, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Brayton Flying Service, Inc., St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Ryburn L. Hackler, Trial Examiner. Said hearing was held at St. Louis, Missouri, on October 12, 13, 14, 15, 19, 20, and 21, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the hearing counsel for the Company moved several times to dismiss the petition on the ground that the Company is not subject to the jurisdiction of the Board. The Trial Examiner reserved rulings. The motions are hereby granted. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

Brayton Flying Service, Inc., operates a hangar at Lambert Field, St. Louis, Missouri, where it services United States Army Air Forces

primary training aircraft under a personal services contract with the United States Army. The Company services about 7 or 8 aircraft and about 25 engines per month. All aircraft and engines serviced by the Company are shipped or flown from airfields within the State of Missouri to a United States Army Air Depot Detachment at Lambert Field. Said engines or aircraft are thereafter turned over to the Company by a representative of the United States Army at Lambert Field. The Company does not furnish any parts or material that might be needed for its work but merely furnishes labor. Upon completion of its operations, the Company turns the aircraft or engines over to a representative of the United States Army at Lambert Field. Overhauled engines or aircraft are thereafter sent by the United States Army to airfields within the State of Missouri.

The record indicates that none of the aircraft or engines worked upon by the Company are shipped to or from Lambert Field from points other than within the State of Missouri. The Company is not engaged in the manufacture or assembly of any product used in its above-described operations, but engages solely in general repair work for the United States Army.

We find that the operations of the Company at Lambert Field do not affect interstate commerce within the meaning of the National Labor Relations Act. We shall therefore dismiss the petition.

#### ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Brayton Flying Service, Inc., St. Louis, Missouri, filed by International Association of Machinists, District No. 9, A. F. of L., be, and it hereby is, dismissed.