

In the Matter of TEXAS GULF PRODUCING COMPANY and OIL WORKERS
INTERNATIONAL UNION, CIO

Case No. 16-R-810

SUPPLEMENTAL DECISION

AND

ORDER

May 12, 1944

On March 24, 1944, the National Labor Relations Board issued its Decision and Direction of Election in the above-entitled proceeding.¹ Pursuant to the Direction of Election, an election by secret ballot was conducted on April 21, 1944, under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas). Upon the conclusion of the election, a Tally of Ballots and a Corrected Tally of Ballots were furnished the parties in accordance with the Rules and Regulations of the Board.

As to the balloting and its results, the Regional Director reported as follows:

Approximate number of eligible voters.....	78
Valid votes counted.....	71
Votes cast for Oil Workers International Union, affiliated with the Congress of Industrial Organizations.....	35
Votes cast against participating union.....	36
Challenged ballots.....	2
Void ballots.....	1

Since the counting of the challenged ballots was essential for the determination of the results of the election, the Regional Director investigated the validity of the challenges and incorporated his findings and recommendations in his Report on Challenged Ballots, a copy of which was duly served on the parties. No exceptions to the Report have been filed by any of the parties.

It appears that the individuals challenged, Wheeler Carter and Siebert J. Williams, both classified as driller's helpers, were challenged on the ground that they were not employed by the Company during the pay-roll period ending March 15, 1944, which was used to deter-

¹ 55 N. L. R. B. 758.

56 N. L. R. B., No. 88.

mine the eligibility of voters pursuant to the Board's Decision and Direction of Election. An investigation of a Board agent shows that Wheeler Carter left the employ of the Company on or about March 1, 1944, and was reemployed on April 7, 1944. Siebert J. Williams left the employ of the Company on March 6, 1944, and was reemployed on March 22, 1944. Both men left the employ of the Texas Gulf Producing Company voluntarily. Under these circumstances, we find that Wheeler Carter and Siebert J. Williams were not eligible to vote in the election, and their ballots are hereby declared invalid.

Since no collective bargaining representative has been selected by a majority of the employees of the Company in the unit heretofore found to be appropriate for collective bargaining, we shall dismiss the petition for investigation and certification.

ORDER

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Texas Gulf Producing Company, filed by Oil Workers International Union, affiliated with the Congress of Industrial Organizations, be, and it hereby is, dismissed.