

In the Matter of BARBER MANUFACTURING COMPANY *and* TEXTILE
WORKERS UNION OF AMERICA

Case No. 5-C-1744.—Decided January 27, 1945

DECISION

AND

ORDER

On August 7, 1944, the Trial Examiner issued his Intermediate Report in the above-entitled proceeding, finding that the respondent had not engaged in the unfair labor practices alleged in the complaint, and recommending that the complaint be dismissed. Thereafter, Textile Workers Union of America, herein called the Union, and counsel for the Board filed exceptions to the Intermediate Report; and counsel for the Board filed a brief in support of his exceptions. Oral argument was held before the Board at Washington, D. C., on December 14, 1944.

The Board has reviewed the rulings on motions and on exceptions to the admission of evidence made by the Trial Examiner at the hearing, and finds that no prejudicial error was committed. The rulings are hereby affirmed.

The Board has considered the Intermediate Report, the exceptions and brief, and the entire record, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner. While the circumstances surrounding the respondent's offer of releases to employees Smith, McLean, and Thornburg on January 24, 1944, as well as its discharge of Thornburg on February 14, 1944, are highly suspicious,¹ we feel constrained to agree with the Trial Examiner that

¹ Thus, the reason assigned by the respondent for its offer of releases to the employees in question—namely, that they had previously requested releases which it could not grant at the time because of the manpower shortage but which it was in a position to grant on January 24, 1944, because on that date three persons applied for work as weavers—was not applicable to Thornburg who was not a weaver. Moreover, in view of Plant Manager Dixon's testimony that the respondent retained Thornburg in its employ until February 19, 1944, because she had to complete some work which had been accumulating, it is difficult to understand the respondent's offering her a release on January 24. Further, the respondent employed two of the afore-mentioned applicants for employment although only McLean accepted the release offered. This, coupled with the fact that the respondent was still suffering from a manpower shortage, would seem to indicate that the hiring of the applicants was not for the purpose of replacing the employees desiring releases, but of meeting the respondent's need for workers. Also, it appears strange that the respondent

the record falls short of establishing that the respondent's conduct in these respects was violative of the Act.

ORDER

Upon the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the complaint herein against Barber Manufacturing Company, Charlotte, North Carolina, be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

INTERMEDIATE REPORT

Mr. George L. Weasler, for the Board.

Guthrie, Pierce & Blakeney, by *Mr. W. S. Blakeney*, of Charlotte, North Carolina, for the respondent.

Miss Jessie Purnell Maloney, of Charlotte, North Carolina, for the Union.

STATEMENT OF THE CASE

Upon a charge duly filed on February 23, 1944, by Textile Workers Union of America, herein called the Union, the National Labor Relations Board, herein called the Board, by its Regional Director for the Fifth Region (Baltimore, Maryland), issued its complaint dated May 23, 1944, against Barber Manufacturing Company, herein called the respondent, alleging that the respondent had engaged in and was engaging in unfair labor practices within the meaning of Section 8 (1) and (3) and Section 2 (6) and (7) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. Copies of the charge, the complaint and notice of hearing thereon were duly served upon the respondent and the Union.

With respect to the unfair labor practices the complaint alleged in substance, that the respondent: (1) since about January 1, 1944, (a) threatened its employees with discharge and other reprisals if they became or remained members of the Union; (b) urged, persuaded and warned its employees to refrain from becoming or remaining members of the Union; (c) made disparaging and derogatory remarks about the Union and its membership; and (d) offered and compelled employees to accept releases for the purposes of discouraging membership in the union;¹ (2) on or about February 19, 1944, discharged and has since refused to reinstate Sarah Ann Thornburg because she joined or assisted the Union and engaged in concerted activities for the purposes of collective bargain-

should have voluntarily offered releases to experienced weavers such as Smith and McLean, who had been in its employ for years, when it had mere learners as replacements. As for the discharge of Thornburg, in addition to the circumstance mentioned above as to her having been offered a release at a time when her services were needed, there is the respondent's failure adequately to explain why it did not transfer employee Williams to Thornburg's department for the purpose of replacing Thornburg until after Thornburg appeared at the conference with the respondent as a member of the union committee.

¹ By motion filed May 29, 1944, the respondent moved that this portion of the complaint be made more specific. By order filed June 1, 1944, William J. Isaacson, designated Trial Examiner, required Board's counsel to furnish respondent with the names of the respondent's officers or agents as well as the names of the employees involved in said allegations. On June 3, 1944, this information was furnished the respondent by counsel for the Board.

ing or other mutual aid or protection; and (3), by the aforesaid acts interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed by Section 7 of the Act.

On June 8, 1944, the respondent filed its answer admitting the nature and interstate character of its business, but denying all allegations of unfair labor practices.

Pursuant to due notice, a hearing was held at Charlotte, North Carolina, on June 8 and 9, 1944, before J. J. Fitzpatrick, the undersigned Trial Examiner duly designated by the Chief Trial Examiner. The Board and the respondent were represented by counsel, the Union by its representative, and all participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded all parties. At the beginning of the hearing the respondent moved to strike and dismiss all allegations of unfair labor practices from the complaint, except the allegations relative to the discriminatory discharge and refusal to reemploy Thornburg, on the ground that said allegations were not supported by the charge.² The motion was denied. At the close of the Board's main case, the respondent moved to dismiss the complaint, except as to the allegations concerning the discriminatory discharge of Thornburg, on the ground that no evidence had been adduced to support the allegations. The motion was granted in part and the allegations in the complaint of interference and coercion by: (a) Threatening its employees with discharge and other reprisals if they became or remained members of the Union; (b) Urging, persuading and warning its employees to refrain from becoming or remaining members of the Union;³ were dismissed. In other respects the motion was denied. At the conclusion of the hearings, Board's counsel moved to conform the pleadings to the proof in formal matters. The motion was granted without objection. Counsel for the Board and for the respondent argued orally on the record. None of the parties afforded themselves of the privilege granted to file briefs with the undersigned after the close of the hearing.

Upon the entire record in the case, and from his observation of the witnesses, the undersigned makes the following:

FINDINGS OF FACT⁴

I. THE BUSINESS OF THE COMPANY

The respondent, Barber Manufacturing Company, is a North Carolina corporation and is engaged in the manufacture, sale and distribution of spinning tape with its principal office and place of business at Charlotte, North Carolina. The only plant involved in this proceeding is located in Charlotte. During the year 1943 the respondent purchased materials for this plant in excess of \$50,000 in value, approximately 10 percent thereof coming from points outside North Carolina. During the same period the plant manufactured and sold products in excess of \$210,000 in value, approximately 75 percent thereof being shipped without the State.

² The charge alleged violation by the respondent of Section 8 (1) and (3) of the Act by the discriminatory treatment of Thornburg, and then added: "By the acts set forth in the paragraph above, and by other acts and conduct, it by its officers, agents and employees attempted to interfere with, restrain, and coerce its employees in the exercise of the rights guaranteed in Section 7 of the said Act."

³ Subparagraphs a and b of Paragraph 5 of the complaint.

⁴ Unless otherwise indicated herein all findings are based upon admitted facts or uncontroverted testimony.

II. THE ORGANIZATION INVOLVED

Textile Workers Union of America is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the respondent.

III. THE ALLEGED UNFAIR LABOR PRACTICES

A. *Introduction*

The Charlotte plant is a small concern employing about 21 production and maintenance workers on a day and a night shift. Prior to the national emergency most of these employees were men, but currently a majority of them are women. In July, 1943, the employees were dissatisfied with their wages and a number of them signed applications to join the Union. Ascertaining the reason for the dissatisfaction, the respondent, about August 2, 1943, made application to the Regional Office of the War Labor Board for permission to grant a wage increase. In November, the Regional office of the War Labor Board refused to permit the increase in wages. After the failure of this effort to secure an advance in pay, the employees who had previously signed union applications turned them over to the Union. On January 14, 1944, a union official accompanied by a committee of three employees requested but was refused union recognition by Plant Manager Robert T. Dixon. On January 23 the Union filed a petition for investigation and certification of representatives pursuant to Section 9 (c) of the Act, and on February 3, the respondent agreed to a consent election. The Union won the election held on February 16, under Board auspices, and on February 21 the Board's Regional Office served on the Union and the respondent a Consent Determination of Representatives.

During this period from July, 1943, to February, 1944, it is contended that certain acts and statements of the respondent interfered with the employees' rights under the Act.

B. *The alleged interference, restraint, and coercion*

As heretofore found, the employees were dissatisfied with their wages in the summer of 1943. In July some of them signed union application cards hoping the Union could help them to get an increase. Unaware of this union activity but conscious of some "unrest" among the workers, the respondent called a meeting of all the employees, and Dixon asked them the reason for their restlessness. Employee Port McLean answered that the employees were dissatisfied with their wages and wanted an increase. Dixon, after explaining that permission for any general wage increase would have to be secured from the War Labor Board, suggested that the employees select a committee to put their request in concrete form and confer with him. As the employees did not seem to know how to go about the selection of such a committee, Dixon appointed McLean and his brother-in-law, Jim Ashley, to act on such committee.⁵

After the above meeting McLean and Ashley called at Dixon's office.⁶ Dixon indicated he was willing to grant some wage increases, and they discussed the procedure to secure permission for the increase from the Regional Office of the War Labor Board. McLean said that some of the employees wanted the

⁵ This finding is based upon a reconciliation of the testimony of McLean and Dixon relative to the meeting.

⁶ The record is not clear just when the office conference was held, but it presumably was at least the following day, as the general meeting was at the end of the day shift, and both McLean and Ashley worked days.

Union to apply for the raise, but all of them did not belong to the Union. Dixon replied that he could secure the War Labor Board's consent to the raise as readily as the Union; and that if the employees used the Union they would have to pay union dues. McLean then told Dixon that the employees would prefer to have him to make the application.⁷

About August 2, 1943, Dixon sent the application for a wage increase to the Regional War Labor Board at Atlanta, Georgia, and that Board about November 19 turned down the wage increase request. When this action became known to the employees, McLean told Dixon that the only thing left for the employees was to secure jobs elsewhere so that they could make a living.

In November, 1943, Kenneth Williams, a weaver on the night shift, asked Superintendent Howard Bohlen for a release stating that the physician who had examined him for military service had recommended that he change jobs.⁸ Bohlen told Williams that he could have his release at any time. Williams had no other job at the time and a few days later, at Bohlen's suggestion, he agreed to continue with the respondent so as to get his Christmas bonus. In early December, Sarah Ann Thornburg, an inspector and winder, requested a release to permit her to take a better paying temporary position at the local postoffice during the Christmas season. Dixon asked Thornburg if she had anyone to take her place and, upon receiving a negative reply, refused the request.⁹

On January 6, 1944, Mrs. Jessie Smith and Mrs. Lucy Williams Carpenter, weavers, having secured better jobs at the Hudson Knitting Company, another local concern asked Dixon for releases. Dixon refused saying that they were on essential war work,¹⁰ that Hudson Knitting Company was not doing such type of work, and that he had no one to put in their places. About the same time Williams having also secured a job at the Hudson plant asked Bohlen for his release. Bohlen said nothing and Williams then appealed to Dixon as the latter was leaving for lunch. Dixon told Williams to take the matter up with Dorothy Van Cleve.¹¹ Van Cleve told Williams he would have to get a statement from his Draft Board before she could give him a release. Williams then secured a written statement from a Dr. Wannamaker who had previously examined him, as follows:

Mr. Kenneth Lee Williams has a history of living for many years with his mother and sister—both of whom had active pulmonary tuberculosis. He is considerably underweight and because of these circumstances was classified as 4-F.

Mr. Williams states that his present hours of work enable him to obtain very little sleep. From the standpoint of safeguarding his health I consider a change in hours of work advisable.

⁷ This finding is based upon a reconciliation of the testimony of McLean and Dixon. (Ashley did not testify) McLean's testimony did not clearly outline what was said at the employees' meeting and what occurred at the later conference, but confused the two occasions somewhat. However, a careful analysis of all the testimony makes it clear that nothing was said at the general meeting relative to the Union. McLean testified that the conference was so long ago that he could not recall whether the Union was discussed.

⁸ Williams had been rejected by the Selective Service Board and classified 4-F.

⁹ The next day Thornburg asked Superintendent Bohlen for a release and the latter replied there was nothing he could do about it, "I can't see any point to your getting a release and being out of work in a few weeks". Thornburg said that she could make much more money even if she did not have work after Christmas. To this Bohlen responded, "There's plenty of women that want jobs up there. Let them give them to those women".

¹⁰ The tape manufactured by the respondent is used to drive textile spinners, which, to a large extent, are employed on military orders

¹¹ Van Cleve's title does not appear. She worked in the office, and like Superintendent Bohlen, participated in the hiring and firing.

On receipt of this statement from Dr. Wannamaker, Dixon put Williams on the day shift in the winding and shipping department where he had had previous experience.¹² On January 10, McLean, having secured an excellent job with the Gulf Oil Corporation, asked for his release. Dixon refused the request saying "Our hands are tied" He told McLean that if he gave him a release others would also want to quit their jobs.

On January 13, McLean, Thornburg and other employees who had signed application cards the previous summer turned the applications over to union officials.¹³ On January 14, McLean, Thornburg and Smith made up the committee which, with the union official, requested Dixon to recognize the Union, as heretofore found.¹⁴ On January 24, three experienced women applied to the respondent for work and Dixon offered releases to Thornburg, Smith and McLean, saying that he was sorry that he had not been in a position to grant the releases when previously requested. Thornburg refused the release because she had no other job in view. Smith also refused stating that she had lost contact with the Hudson people and would wait to see what the Union could do for her.¹⁵ To this Dixon replied, "It's allright; you will have to have an election" and added, "A lot of people have signed cards that won't vote for the Union, I am sure." McLean accepted his release and left the respondent's employ for his new position two days later.

Conclusions

Aside from the releases, which will be discussed hereafter, there is no evidence of any interference by the respondent of its employees' rights under the Act, unless the statements made by Manager Dixon in July, 1943, to McLean and Ashley, and Dixon's statement to Mrs. Smith on January 24, can be construed as such. In the first instance, Dixon was discussing with the committee of 2 employees how best to secure authorization from the Regional War Labor Board for a wage increase, which he had indicated a willingness to grant. McLean had stated that some of the employees wanted to use the Union for this purpose but raised the point that a number of the workers did not belong to the Union. It was in response to this statement that Dixon said that he could secure the Regional War Labor Board's consent to the wage increase as readily as the Union could; and if the employees used the Union they would have to pay union dues. This was a statement of fact and personal conviction that cannot be construed as an attempt to discourage union membership especially as there is not the slightest suggestion of previous anti-union conduct on the part of the respondent.¹⁶ In the other instance, which occurred six months later, Smith refused to accept a tendered release, which he had requested eighteen days before, stating that she would wait to see what the Union could do for the employees relative to a wage increase. Dixon's response that, "Its alright; you will have to have an election" was innocent enough. His further gratuitous statement, "A lot of people have signed cards that won't vote for the union, I

¹² Williams remained working for the respondent on the day shift until the following May when he quit to go on a farm.

¹³ McLean testified that they turned in the union cards because, having failed to secure releases, "we figured we would get more money if we had to stay there"

¹⁴ The record does not disclose what transpired at this conference on January 14, but it is clear from what took place thereafter that Dixon questioned the right of the Union to represent the employees.

¹⁵ At the time of the hearing, Smith was still in respondent's employ.

¹⁶ It is also noted that the complaint did not allege any acts of interference prior to about January 1, 1944.

am sure" was also a statement of opinion as to a possible future event¹⁷ Neither this statement nor the July statement, considered independently or together, reach the "stature of coercion" contemplated by the Supreme Court in the Virginia Electric case.¹⁸ It is found that neither of the above statements were coercive within the meaning of the Act.

Board's counsel contends that the releases offered McLean, Smith and Thornburg, shortly after it became known that they were on the union committee, was for the purpose of discouraging membership in the Union. While it is true that 5 employees had previously asked for releases and only the employees above named were subsequently offered releases, one of the other two, Williams, voluntarily accepted a transfer to the day shift. The record is not clear as to which shift the fifth applicant for a release, Mrs. Carpenter, was working on January 24. In view of Dixon's uncontroverted testimony that on January 24 he offered the releases to the three named because they were working days and the applicants wanted day work, it is assumed, that Mrs. Carpenter on January 24 was on the day shift. It is noted, also, that only 2 of the 3 applicants for work were actually hired by the respondent.

These three applicants were weavers. Obviously therefore this explanation did not apply to Thornburg who was not a weaver, although Dixon did not so differentiate in his testimony. However, Thornburg was discharged on February 19, 1944, because the respondent had transferred Kenneth Williams to the winding and shipping department, where as an experienced man, he was doing not only the work she was doing, but also the heavier work in the department not suitable for a woman. The work in the department did not change in the period from January 24 to February 19. Therefore the respondent could have released her without a replacement in January as well as the next month. On the first occasion the respondent presumably sought to avoid the necessity for an outright discharge, and offered Thornburg the release she had previously requested.

The offering of the releases only to the three employees who accompanied the union representative when recognition was requested raises some suspicion as to the respondent's motives but, in the absence of any history of unfair labor practices, the undersigned does not believe that the offer of releases to Thornburg, Smith and McLean under the circumstances herein found is adequate to sustain a finding that it constituted an attempt to discourage membership in the Union.

It is therefore found that by the July and January statement of Dixon, and the offer of the releases to Thornburg, Smith, and McLean, the respondent has not interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.

C. The Discharge of Thornburg

The complaint alleges and the answer denies that Thornburg was discharged on or about February 19, 1944, and has since been refused reinstatement because she "joined or assisted the Union, and engaged in concerted activities with other employees—for the purposes of collective bargaining or other mutual aid or protection."

¹⁷ The Union filed its petition for investigation and certification of representatives in the Regional Office on January 24, the same day that Dixon offered the releases, but Dixon probably at the time had no other information than the contention of the union representatives on January 14 that the Union claimed a majority. In effect, therefore, Dixon's statement to Smith on the 24th was no more than what he had probably already told the committee of which Smith was a member on January 14th, that he questioned the Union's ability to prove its majority claim.

¹⁸ *N. L. E. B. v. Virginia Electric & Power Co.*, 314 U. S. 469.

For a better understanding of the situation relative to Thornburg's work and her discharge, it is advisable to describe the department where she was employed. After the tape the respondent manufactures has been woven, it is packed in continuous length in boxes which are then trundled into a large room called the winding and shipping department. The tape is then inspected, and wound into rolls weighing from 50 to 70 pounds each. These rolls are carried to a table where they are tied, weighed, marked and then either stacked for storage or prepared for shipment. In addition to ordinary commercial tape the respondent from before the first of May until the Fall of 1943 manufactured helmet tape for the United States Army. This Army tape went through the same process in the winding and shipping department above described, except that the rolls weighed only 5 pounds and were packed in quantity in large boxes instead of being tied.¹⁹ Roy Moser, head of the department, did most of the tying and later handling of the heavy rolls, but he was assisted in this work if there was another man in the department. This type of work was too heavy for a woman to do.

On May 8, 1943, in addition to Moser there was a man named Homer Canup and a Mrs. Audrey Whiteley employed on the day shift in this department. Whiteley was inspecting and winding Army tape. Camp had given notice to quit and Whiteley wanted to take several weeks vacation. Superintendent Bohlen was looking for a man to work in the department when Mrs. Thornburg applied. She was hired to inspect and wind ordinary tape, but took Whiteley's place while the latter was away during several weeks in May. When Whiteley returned both women went back to their old work.²⁰ On July 31, 1943, Whiteley left permanently and Moser and Thornburg were in the department alone. Thornburg inspecting and winding both types of tape, and Moser assisting in that work and also doing the heavier tying, boxing and storing. Several men and possibly a woman were hired that summer or fall to work in the department, but none of them stayed. When Moser got too far behind Superintendent Bohlen, as well as men from the other departments, assisted him temporarily.

Although the government work was apparently completed by October, 1943, the ordinary commercial work continued and there was adequate work for Thornburg thereafter. As heretofore found, Dixon refused her request for a release in early December. After the first of the year 1944 the commercial production increased approximately 25 percent. As the work increased efforts were made, apparently without success, to hire a man to assist Moser. When the work fell behind other men were occasionally sent temporarily to the winding and shipping department to assist in tying and storing. On January 6, Kenneth Williams, who had previous experience in inspecting, winding and tying rolls, was transferred to day work in that department.²¹ As heretofore found, on January 14, Thornburg was on the committee of employees when recognition of the Union was asked. About two weeks later she was offered a release but refused it because at that time she had no other job. On February 19, three days after the Union won the election, Dixon sent for Thornburg and offered her a week's pay in advance and her release. Thornburg inquired if her work was unsatisfactory and Dixon replied that it was all right but that they had a more experienced man. Thornburg at first refused the release and reported the next work day. Bohlen told her she had been told not to report. Thornburg again asked about her work and Bohlen replied, "There is nothing wrong with your

¹⁹ The Army tape also required a great deal more time for inspection, labeling and other preparation than the regular commodity.

²⁰ Canup left when Thornburg was hired May 9

²¹ Williams, who had been running a loom, was replaced by a woman.

work, but you can't tie up these rolls and it makes so much work on Mr. Moser to do all the tying up." Thornburg then went to Dixon's office with a Union representative who requested that Thornburg be reinstated and given the pay she lost. Dixon refused to reinstate her. The increased production continued until the following April and then returned to normal. Moser and Williams continued to run the department alone thereafter, except for one occasion when Moser again got behind and Ashley and Bohem helped him out temporarily. In May, as heretofore found, Williams left the respondent's employ to go on a farm. Williams was succeeded by another man²²

Thornburg joined the Union in July, 1943, but never solicited any members. Her only activity for the Union consisted in being a member of the committee of employees that called on Dixon when recognition was requested on January 14, 1944. Since her discharge she has not been rehired. She was a good inspector and winder and no question is raised as to her ability in this respect.

Conclusions

It is apparent from this record that Moser and one man experienced in tying as well as inspecting and winding can do the work in the winding and shipping department in an adequate manner, because they can alternate on the heavy tying and the lighter inspecting and winding. Apparently that is the way the department had been run until the spring of 1943 when, in addition, Mrs. Whiteley was hired to do only inspecting and winding due to the additional load of lighter work incident to the Army orders. Thornburg succeeded Whiteley in this lighter work and was a good worker in that respect, but with Canup gone, Moser was constantly getting behind on the heavier work and frequently required the assistance of additional male help. In January 1944, and thereafter until spring, the load of heavy work increased. The cold record may indicate an inconsistency in transferring Williams, rejected by the Armed Services for underweight, to assist in this heavier work. However, it is obvious from the record that the tying and handling was heavy work and Thornburg admitted that the regulation rolls were too heavy for her to handle. Furthermore, Williams certainly did not impress the undersigned as a weakling when he testified, but on the contrary appeared to be a young man of average size and strength.

With a record showing that the respondent no longer had need for Thornburg's services, no presumption can arise that she was discriminatorily discharged simply because the respondent was aware that she was a member of the Union, particularly where there is no anti-union background or other acts constituting a violation of the Act.

Upon the basis of the foregoing findings of fact and upon the entire record in the case, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The operations of the respondent, Barber Manufacturing Company, Charlotte, North Carolina, occur in commerce within the meaning of Section 2 (6) of the Act.
2. Textile Workers Union of America is a labor organization within the meaning of Section 2 (5) of the Act.
3. The respondent has not engaged in unfair labor practices as alleged in the complaint, within the meaning of Section 8 (1) and (3) of the Act.

²² Moser testified that with Williams, or Riggins the man who succeeded him, he could keep the department work up because they both assisted him in tying, but with Thornburg he was unable to keep the work up.

RECOMMENDATION

Upon the basis of the above findings of fact and conclusions of law, and upon the entire record in the case, the undersigned recommends that the complaint against the respondent, Barber Manufacturing Company, Charlotte, North Carolina, be dismissed.

As provided in Section 33 of Article II of the Rules and Regulations of the National Labor Relations Board, Series 3, as amended, effective November 26, 1943, any party or counsel for the Board may within fifteen (15) days from the date of the entry of the order transferring the case to the Board, pursuant to Section 32 of Article II of said Rules and Regulations, file with the Board, Rochambeau Building, Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with an original and four copies of a brief in support thereof. Immediately upon the filing of such statement of exceptions and/or brief, the party or counsel for the Board filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. As further provided in said Section 33, should any party desire permission to argue orally before the Board, request therefor must be made in writing within ten (10) days from the date of the order transferring the case to the Board.

J. J. FITZPATRICK,
Trial Examiner.

Dated August 7, 1944.