

In the Matter of BARNHART DAVIS COMPANY, EMPLOYER *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT LODGE No. 65, LOCAL LODGE 1328, PETITIONER

Case No. 6-RC-4.—Decided November 30, 1948

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DECISION

AND

ORDER

On October 28, 1947, pursuant to a "Stipulation for Certification upon Consent Election," an election by secret ballot among the employees in the stipulated unit was held under the direction and supervision of the Regional Director for the Sixth Region.

Upon completion of the election, a Tally of Ballots was served upon the parties. The Tally showed that, of the approximately 19 eligible voters, 18 cast valid ballots, of which 5 were for, and 13 against, the Petitioner.

On November 1, 1947, the Petitioner filed objections to the election. Thereafter, the Regional Director investigated the objections and, on December 18, 1947, issued a Report on Objections, in which he found that the objections raised substantial and material issues with respect to the election and recommended that the Board direct a hearing on the objections. No exceptions were filed to the Regional Director's Report by any of the parties within the time provided therefor.

On February 12, 1948, the Board ordered that a hearing be held on all the issues raised by the objections. Thereafter, on March 10, 1948, a hearing was held at Warren, Pennsylvania, before W. G. Stuart Sherman, hearing officer.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

More than a year has now elapsed since the holding of the election herein, and the Petitioner may, if it so desires, file another petition for a new election. Accordingly, we do not believe that any practical

*Chairman Herzog and Members Murdock and Gray.

purpose would be served by passing on the merits of the Petitioner's objections at this time.¹ We shall therefore dismiss the petition without ruling on the objections, and without prejudice to the filing of a new petition.

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed without prejudice.

¹ See *Matter of Desmonds Inc.*, 75 N. L. R. B. 1243.