In the Matter of AMERICAN LAUNDRY MACHINERY COMPANY, EMPLOYER *and* OPTICAL AND INSTRUMENT WORKERS ORGANIZING COMMITTEE, C. I. O., PETITIONER

Case No. 3-RC-164.—Decided February 10, 1949

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. In view of the action herein taken, the hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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.*

The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

The labor organization involved claims to represent employees of the Employer.

The Petitioner herein is the same petitioner involved in *Matter of American Optical Company.*[1] Because the Congress of Industrial Organizations is not in compliance with Section 9 (f), (g), and (h) of the Act, and in accordance with the principle announced in the *American Optical* case, we find that the Board lacks the power to investigate the question concerning representation raised herein by the Petitioner. Accordingly, we shall dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition for the investigation of representatives of employees of American Laundry Machinery Company, Rochester, New York, filed by Optical and Instrument Workers Organizing Committee, C. I. O., be, and it hereby is, dismissed.

*Reynolds, Murdock, and Gray.

[1] 81 N. L. R. B. 453.