

In the Matter of MAURICE A. KNIGHT, JR., AND EDMUND H. KNIGHT
D/B/A MAURICE A. KNIGHT SONS' CO., EMPLOYER and JOHN S.
HARDY, EDWARD E. ALLTON AND THOMAS M. RINEHART, PETITION-
ERS and LOCAL UNION No. 200, NATIONAL BROTHERHOOD OF OPERA-
TIVE POTTERS, A. F. OF L., UNION

Case No. 9-RD-38.—Decided June 29, 1949.

DECISION
AND
ORDER

Upon a petition for decertification duly filed, a hearing was held before Harold V. Carey, hearing officer of the National Labor Relations Board. 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-member panel [Chairman Herzog and Members Houston and Murdock]. . .

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The Petitioners, employees of the Employer, assert that the Union is no longer the bargaining representative of the employees of the Employer as defined in Section 9 (a) of the Act.
3. No question of representation exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

The Union has a 2-year contract executed on September 10, 1947. The Petitioners contend that the Union is defunct and that the contract is therefore not a bar.

At a special meeting of the Union, held on about March 16, 1949, and attended by 28 of the 39 members, a resolution to disband the Union was passed by a vote of 21 to 7. By March 19, 1949, all but 1 of the members of the Union had signed a statement of withdrawal from the Union. It appears, however, that the Union has continued to exist, and that it now has approximately 15 members and officers. The charter, constitution, bylaws, and bank account of the Union were

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never surrendered, and meetings of the Union were held on April 14 and on May 11, 1949. The Employer stated at the hearing that it currently recognizes the Union as the bargaining representative of the employees here in question. Under these circumstances, we find, contrary to the contention of the Petitioners, that the Union is not defunct, and that the contract therefore operates as a bar to the present proceedings.¹ Accordingly, we shall dismiss the petition.

ORDER

Upon the basis of the entire record in this case, the National Labor Relations Board hereby orders that the petition filed in the instant matter be, and it hereby is, dismissed.

¹ *Matter of Yellow Transit Company*, 73 N. L. R. B. 424.