

In the Matter of W. S. GEARHART, D/B/A STANDARD CONCRETE PIPE COMPANY, EMPLOYER and O. A. JACKSON, ET AL.,¹ PETITIONER and INTERNATIONAL HODCARRIERS, BUILDING AND COMMON LABORERS UNION OF AMERICA, LOCAL NO. 477, UNION

Case No. 13-RD-45.—Decided January 17, 1950

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before John P. von Rohr, hearing officer. 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, an individual, is engaged in the manufacture and sale of concrete pipe and block in Springfield, Illinois, its only place of business. During 1948 the Employer purchased raw materials, such as cement, steel mesh, and fly ash, in the amount of \$31,612.37. Of this sum, fly ash valued at \$1,257.45 and steel bars valued at \$307.67 were shipped directly to the Employer from outside the State of Illinois. The balance of the raw materials were purchased locally. The Employer's total sales during this same period amounted to \$164,732.42 all of which were made in the State of Illinois. Of these sales, finished products valued at \$25,865.46 were sold for State highway construction, \$245.70 worth were sold to railroads, \$6,992.60 worth were used in constructing commercial airports, and \$180.24 worth were purchased by the Federal government.

The Employer and the Petitioner contend that the Employer is engaged in a business affecting interstate commerce. The Union contends that the operations of the Employer do not affect commerce.

¹ The name of the Petitioner appears as amended at the hearing.

While the operations of the Employer are not wholly unrelated to commerce they are essentially local in character and we are of the opinion that it will not effectuate the policies of the Act to assert jurisdiction in this case.² Accordingly, we shall dismiss the petition.

ORDER

Upon the foregoing findings of fact and 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.

² *Tampa Sand & Material Company, Inc.*, 78 NLRB 629; *The Southern Company*, 82 NLRB 1388.