

In the Matter of CENTRAL OPTICAL CO., INC., EMPLOYER and SAMUEL W. FILE, PETITIONER and OPTICAL WORKERS UNION No. 24341, AFL, UNION

Case No. 9-RD-55

SUPPLEMENTAL DECISION

AND

ORDER

February 8, 1950

On January 20, 1950, the Board issued its Decision and Direction of Election¹ in this proceeding, directing a decertification election among the employees in the unit found appropriate. The Union, the only labor organization involved in this proceeding, had been certified by the Board in November 1948 as the bargaining representative of employees in the unit following a consent election. On January 23, 1950, the Union advised the Board that it no longer claimed to represent them, and requested that the election not be conducted.²

The Union's disavowal of any claim to represent the employees eliminates the question concerning representation which the Board found to exist in its Decision and Direction of Election. Under the present state of facts, no claim for recognition is being advanced by any individual or labor organization. There can be no "question" concerning representation when the Union concedes the very thing that the Petitioner seeks to establish.³

We regard the Union's withdrawal as a disclaimer of its status as exclusive bargaining representative of the employees in the unit, and a relinquishment of any surviving rights as such representative under the 1948 certification. We find that whatever vitality the cer-

¹ 88 NLRB 246.

² The Union's telegram to the Board reads in part as follows:

Optical Workers Union No. 24341 . . . AFL no longer claims to represent any employees in . . . Central Optical Co., Inc. . . . Please consider this an official disclaimer of interest in the unit involved . . . Further request that the election directed by the Board . . . not be held for the foregoing reasons.

³ *Veeder-Root, Incorporated*, 81 NLRB 328; *Federal Shipbuilding and Drydock Company*, 77 NLRB 463.

88 NLRB No. 136.

tificate might otherwise still have to establish the Union's representative status is necessarily cancelled by the Union's own disclaimer.

Accordingly, we find that no question affecting commerce 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. We shall, therefore, set aside the Direction of Election and dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the Direction of Election issued herein on January 20, 1950, be, and it hereby is, set aside, and that the petition for decertification of representatives of employees of Central Optical Co., Inc., Cincinnati, Ohio, filed herein by Samuel W. Fille, be, and it hereby is, dismissed.