

In the Matter of AUTOPART MANUFACTURING COMPANY and UNITED
AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA, UAW-CIO

Case No. 13-C-3110

ORDER AMENDING SUPPLEMENTAL DECISION AND
AMENDED ORDER

November 16, 1950

On August 30, 1950, the Board issued a Supplemental Decision and Amended Order¹ in this case, finding that Universal Parts, Inc., was a successor and assign of the Respondent, Autopart Manufacturing Company, and requiring Universal Parts, Inc., to remedy the unfair labor practices of the Respondent in this case.

In the course of its discussion of the relationship between Universal Parts, Inc., and the Respondent, the Board stated:

The record does not show whether Universal has continued the manufacturing operations formerly conducted by the Respondent.

Since the issuance of the Supplemental Decision in this case, the Board has received a stipulation dated October 27, 1950, from the parties² agreeing that the record in this case be amended to show that the manufacturing operations of the Respondent were discontinued as of September 30, 1947, that Universal Parts, Inc., did not continue the Respondent's manufacturing operations, and that the transfer of the Respondent's assets to Universal Parts, Inc., constituted a partial liquidation of the indebtedness of the Respondent. We will amend the record and the findings in our Supplemental Decision to conform to this stipulation.

As our action of August 30, 1950, was based on the view that Universal was a successor and assign of the Respondent, whether or not its manufacturing operations were continued by Universal, the foregoing amendment of the record and findings will not require any change in the Board's disposition of this case.

¹ 91 NLRB 77.

² This stipulation was executed by counsel for the Respondent and Universal Parts, Inc., counsel for the Union, and by a representative of the General Counsel of the Board.

92 NLRB No. 30.

ORDER

IT IS HEREBY ORDERED that the record in this case be, and it hereby is, amended to include the stipulation of the parties hereto executed on October 27, 1950, and filed with the Board, and that the Supplemental Decision and Amended Order of August 30, 1950, in this case be, and it hereby is, amended by deleting therefrom the following:

The record does not show whether Universal has continued the manufacturing operations formerly conducted by the Respondent. It is clear from the foregoing, however, that whether or not it has continued the operations of the Respondent, Universal, by virtue of the transfer to it of all the Respondent's assets, is the Respondent's assignee, and, at least to that extent, its successor.

and by substituting therefor the following language:

The Respondent's manufacturing operations were discontinued as of September 30, 1947, and were not continued by Universal. The Transfer of the Respondent's assets to Universal constituted a partial liquidation of the Respondent's indebtedness to Universal. It is clear from the foregoing that Universal, by virtue of the transfer to it of all the Respondent's assets, is the Respondent's assignee, and, at least to that extent, its successor.

IT IS FURTHER ORDERED that the Supplemental Decision and Amended Order of August 30, 1950, in this case be, and it hereby is, confirmed in all other respects.

MEMBERS REYNOLDS and MURDOCK took no part in the consideration of the above Order Amending Supplemental Decision and Amended Order.