

The Union has not requested recognition as the representative of the Employer's employees since about July 20, 1950. The obstacle to the execution of a new agreement to supplant the one which expired on July 15, 1950, appears to have been the Employer's refusal to continue its outerwear department operations. The Board is of the opinion, from the entire record, that the purpose of the strike is to compel the Employer to resume those operations and not to secure recognition as the bargaining representative of the Employer's remaining employees. Under these circumstances, and particularly in view of the Union's unequivocal disclaimer of representative interest at the hearing, the Board finds that no question exists concerning representation³ and, accordingly, will grant the Union's motion to dismiss the petition herein.

Order

IT IS HEREBY ORDERED that the petition in this proceeding be, and it hereby is, dismissed.

³ *Hubach and Parkinson Motors, et al.*, 88 NLRB 1202; *Ny-Lint Tool & Manufacturing Co.*, 77 NLRB 642; cf. *Coca-Cola Bottling Co. of Walla Walla, Washington*, 80 NLRB 1063.

QUALITY HARDWARE & MACHINE DIVISION, CONTINENTAL COPPER AND STEEL INDUSTRIES, INC. and RALPH G. SANDERS, PETITIONER and DIE & TOOL MAKERS LODGE No. 113, INTERNATIONAL ASSOCIATION OF MACHINISTS. *Case No. 13-RD-77. March 20, 1951*

Order Dismissing Petition

On November 9, 1950, pursuant to the Decision and Direction of Election issued by the Board on October 12, 1950, an election by secret ballot was conducted in the above-entitled proceeding. Because a challenged ballot would affect the results of the election, the Regional Director investigated the matter. In the course of his investigation he ascertained that the Employer had interfered with the conduct of the election. Thereafter, on February 21, 1951, the Regional Director for the Thirteenth Region issued his report on employer interference and on challenged ballot, in which he recommended that the petition for decertification of representatives previously filed herein be dismissed.

No exceptions to the Regional Director's report have been filed by any of the parties within the time provided therefor. We therefore

adopt the report of the Regional Director and shall dismiss the petition.

IT IS HEREBY ORDERED that the petition for decertification of representatives filed by Ralph G. Sanders, Petitioner herein, be, and it hereby is, dismissed.

Dated, Washington, D. C., March 20, 1951.

By direction of the Board:

LOUIS R. BECKER,
Associate Executive Secretary.

INDIANAPOLIS WIRE-BOUND BOX COMPANY, d/b/a CLEVELAND VENEER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, CIO.
Case No. 39-CA-32. March 21, 1951

Supplemental Decision and Amended Order

On September 29, 1950, Trial Examiner Lloyd Buchanan issued his Supplemental Intermediate Report and Recommended Order in the above-entitled proceeding, a copy of which is attached hereto, finding that since October 24, 1949, Texsun Supply Corporation has been the successor of the Respondent, Indianapolis Wire-Bound Box Company, d/b/a Cleveland Veneer Company, and responsible for remedying the unfair labor practices of the Respondent. He therefore recommended that the Respondent and Texsun Supply Corporation, as successor to the Respondent, jointly and severally cease and desist from the unfair labor practices engaged in by the Respondent, and take, with some modification, the affirmative action which the Board found in its original Order in this case¹ would effectuate the policies of the Act. Thereafter, the Respondent and Texsun Supply Corporation filed exceptions to the Supplemental Intermediate Report and Recommended Order, and supporting briefs.

The Board has reviewed the rulings made by the Trial Examiner at the reopened hearing, and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Supplemental Intermediate Report and Recommended Order, the exceptions and briefs, and the entire record in the case, and hereby adopts the findings, conclusions and recommendations of the Trial examiner, with the following additions and modifications.

1. The Trial Examiner found, and we agree, that Texsun Supply Corporation is the successor of the Respondent, and, as such, responsible for remedying the unfair labor practices of the Respondent.

On October 24, 1949, Texsun Supply Corporation acquired the

¹ 89 NLRB 617.

93 NLRB No. 147.