

SUNBEAM CORPORATION *and* ANN SALABEC, EVE SALOPEK, LAURA RAE ATKINSON, AND EARL F. OSLIE

SUNBEAM CORPORATION *and* UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA. *Cases Nos. 13-CA-365 and 13-CA-541. May 24, 1951*

Order on Motions to Strike and for Reconsideration

On April 5, 1951, the Board issued a Decision and Order¹ in the above-entitled proceeding. Thereafter, on April 25, 1951, Respondent filed a motion for reconsideration, combined with a motion to strike a portion of footnote 4 of that Decision. On April 30, 1951, United Electrical, Radio and Machine Workers of America moved to strike Respondent's motions from the files. The Board has duly considered the motions.

Respondent's motion for reconsideration is denied, because it sets forth no contentions not already considered and rejected by the Board in its Decision.²

Respondent's motion to strike part of footnote 4 of the Decision relates to the portion which reads as follows:

Moreover, the Board has recently reinvestigated Respondent's contention administratively and is satisfied that the Regional Director denied Respondent's request for the names only because the request was made orally, and that Respondent's inability to obtain them resulted from its own failure to make written application for them, as suggested by the Regional Director.

In its motion, Respondent challenges the accuracy of this statement and moves that it be stricken as prejudicial. This motion is granted, although not for the reasons urged by Respondent.

The Board has consistently held that, under the statutory scheme, whether a labor organization which is required to comply with the filing requirements of Section 9 (f), (g), and (h) of the Act has in fact done so is not litigable.³ Such a determination remains one entrusted to the Board in its administrative capacity.

¹ 93 NLRB 1205

² Respondent's contention that the Union would not be a "labor organization" if found to be a creature of the Communist Party was expressly rejected by the Board in its Second Supplemental Decision and Certification of Representative, 89 NLRB 469. The decision of the Canada Labour Relations Board in *Branch Lines, Ltd., and Canadian Seamen's Union*, decided December 7, 1950, cited by Respondent, turns on a statutory provision (11-12 George VI, Chap. 54, Sec. 2 (1) (r)) different in important respects from the language of Section 2 (5) of the Labor Management Relations Act.

³ *Dalton Telephone Co.*, 82 NLRB 1001, enforced 187 F. 2d 811 (C. A. 5, March 2, 1951) (Motion of respondent to remand for findings regarding compliance matters, denied); *Red Rock Company*, 82 NLRB 521, enforced as modified 187 F. 2d 76 (C. A. 5, February

As part of its investigation of compliance, the Board will, of course, consider any relevant information brought to its attention. All information submitted by Respondent in this case was considered by the Board before it made its determination that the Union was in compliance with Section 9 (h) of the Act.

Turning to Respondent's request which was denied by the Regional Director, while no party is entitled as a matter of right to such information, the Board's policy is to have its agents release to interested parties, under proper safeguards, the names of designated union officers and of persons who have filed the required affidavits. Because Respondent failed to obtain this desired information, whatever the reason, its request will be referred to the Regional Director for action in accordance with the Board's policy. If Respondent, after it has received the information which it desires, brings to the Board's administrative attention any pertinent additional information concerning the Union's compliance status, the Board will, of course, consider further the question of compliance in the light of such new matter.

The Union's motion to strike Respondent's motion from the files is without merit.

IT IS HEREBY ORDERED that Respondent's motion for reconsideration be, and it hereby is, desired; that Respondent's motion to strike the above quoted portion of footnote 4 of the Decision be, and it hereby is, granted; and that the Union's motion to strike Respondent's motion from the files be, and it hereby is, denied.

15, 1951); *Vulcan Forging Company*, 85 NLRB 621, reversed on other grounds 188 F. 2d 927 (C. A. 6, March 23, 1951); *Ann Arbor Press*, 85 NLRB 28, enforced as modified 188 F. 2d 917 (C. A. 6, March 25, 1951); *Greensboro Coca Cola Bottling Company*, 82 NLRB 67, enforced 180 F. 2d 840 (C. A. 4). Cf. *N. L. R. B. v. Highland Park Mfg. Co.*, 184 U. S. 98, decided May 14, 1951 (28 LRRM 2033).

NATIONAL DIE CASTING COMPANY *and* CHICAGO AMALGAMATED LOCAL
758, INTERNATIONAL UNION, MINE, MILL AND SMELTER WORKERS.
Case No. 13-CA-370. May 25, 1951

Decision and Order

On January 12, 1951, Trial Examiner C. W. Whittemore issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of 94 NLRB No. 130.