

allegation that the Congress of Industrial Organizations, with which the charging Union was affiliated, was not in compliance with the filing requirement of Section 9 (h) of the Act at the time of the issuance of the complaint.

In accordance with the rulings of law contained in *N. L. R. B. v. Highland Park Manufacturing Company*, 71 S. Ct. 758, and *N. L. R. B. v. J. I. Case Company*, 189 F. 2d 599 (C. A. 8), and upon the basis of our administrative determination of the fact that the Congress of Industrial Organizations, with which the charging Union was affiliated, was not in compliance with the filing requirements of Section 9 (f), (g), and (h) of the Act when the complaint was issued in this proceeding, we shall grant the Respondent's motion to dismiss.

Order

IT IS HEREBY ORDERED that the complaint herein be, and it hereby is, dismissed.

CUMMER-GRAHAM COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, CIO. *Cases Nos. 16-C-1540 and 16-C-1541. July 13, 1951*

Order Vacating Decision and Dismissing Complaint

On June 30, 1950, the Board issued a Decision and Order in the above-entitled proceeding.¹ Thereafter, on May 14, 1951, the United States Supreme Court, in *N. L. R. B. v. Highland Park Manufacturing Company*, determined that the term "national or international labor organization" as used in Section 9 (h) of the Act encompasses parent federations. Accordingly, the Board, on June 12, 1951, issued a notice to show cause why its Decision and Order herein should not be vacated, and the complaint dismissed, because the Congress of Industrial Organizations had not met the filing requirements of Section 9 (h) of the Act at the time the complaint issued.

On July 2, 1951, the International Woodworkers of America, CIO, filed a response to the notice to show cause. The Board has considered this response, and finds that sufficient cause has not been shown why the Decision and Order should not be vacated and the complaint, issued on November 2, 1948, dismissed. Accordingly,

IT IS HEREBY ORDERED that the aforesaid Decision and Order be, and it hereby is, vacated and set aside; and

¹ 90 NLRB 722.

95 NLRB No 32.

IT IS FURTHER ORDERED that the complaint be, and it hereby is, dismissed, on the ground that the charging labor organization, International Woodworkers of America, CIO, was not in compliance with Section 9 (h) of the Act at the time the complaint issued.

ENGINEERS LIMITED PIPELINE COMPANY *and* WILLIAM G. O'TOOLE
UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL UNION No. 598, AFL *and* WILLIAM G. O'TOOLE. *Cases Nos. 19-CA-347 and 19-CB-127. July 17, 1951*

Decision and Order

On March 21, 1951, Trial Examiner Irving Rogosin issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. The Trial Examiner also found that the Respondents had not engaged in certain other alleged unfair labor practices and recommended that the complaint be dismissed with respect to such allegations. Thereafter, the Respondent Company and the General Counsel filed exceptions to the Intermediate Report and supporting briefs. The Respondent Company, pursuant to leave of the Board, also filed a reply brief, and the Respondent Union filed a "Statement of Counsel for Respondent Union."¹

The Board² has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed.³ The rulings are hereby affirmed. The Board has considered the Intermediate Report, 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 modifications and exceptions noted below.

¹ As the record, exceptions, and briefs adequately present the issues and positions of the parties, the Company's request for oral argument is denied.

² 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 [Members Houston, Murdock, and Styles].

³ Over the Respondents' objections, the Trial Examiner received in evidence, as an admission binding on the Union only, a letter written by the Union's attorney to the field examiner during the course of the latter's investigation of the case, narrating his version of the events preceding the filing of the charges herein. The Trial Examiner, however, did not rely on this document in making his findings. In these circumstances, and in view of the fact that we, too, do not base our findings on this document, we consider it unnecessary to determine the admissibility of the letter. For this reason, the Trial Examiner's action in receiving the letter in evidence is not prejudicial.