

during the morning period, but did not deny her an opportunity to cast a challenged ballot if she so desired. The erroneous omission of her name was thereafter corrected by agreement of the parties, and she cast an unchallenged ballot during the afternoon voting period. The Employer does not except to these factual findings. We find that the action of the Board agent was proper under the circumstances. We shall overrule the objection.

As the tally of ballots shows that the Petitioner has received a majority of the valid votes cast, and as the challenged ballots are not sufficient in number to affect the results of the election, we shall certify the Petitioner.

Certification of Representatives

IT IS HEREBY CERTIFIED that Retail Clerks International Association Local No. 1059, AFL, has been designated and selected by a majority of the employees in the unit described in paragraph numbered 4, above, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, Retail Clerks International Association Local No. 1059, AFL, is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

TIDE WATER ASSOCIATED OIL COMPANY *and* OIL WORKERS INTERNATIONAL UNION, CIO. *Case No. 20-CA-170. July 13, 1951*

Order Dismissing Complaint

On June 28, 1949, the General Counsel issued a complaint against the Respondent in the above-entitled proceeding alleging that the Respondent had engaged in and was engaging in unfair labor practices within the meaning of the Act. On various dates between October 25 and November 10, 1949, a hearing in this proceeding was held before Trial Examiner Peter F. Ward. A further hearing was held before the Trial Examiner on June 5, 1950. On October 10, 1950, the Trial Examiner issued his Intermediate Report making certain findings, conclusions, and recommendations. Thereafter, the Respondent, the Union, and the General Counsel filed exceptions to the Intermediate Report and supporting briefs.

On May 25, 1951, the Respondent filed with the Board and duly served upon the parties a separate document in which it renewed the motion to dismiss the complaint in its entirety which it initially made at the hearing. No responses were received from the parties in opposition to the motion. The motion is grounded in substance upon the

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.