

In the Matter of AMERICAN STEEL FOUNDRIES, INDIANA HARBOR WORKS
and FOREMAN'S ASSOCIATION OF AMERICA, CHAPTER 57, UNAFFILIATED

Case No. 13-C-2294

ORDER AMENDING DECISION AND ORDER
AND
DENYING PETITION FOR RECONSIDERATION
June 7, 1946

On April 4, 1946, the Board issued its Decision and Order in the above-entitled case.¹ Thereafter, the respondent filed a Petition for Reconsideration, requesting the Board to set aside and reconsider its Decision and Order. The Board has considered the respondent's Petition for Reconsideration.

In our Decision and Order, we stated that the delay of several months between the commission of the unfair labor practices found therein and the issuance of the complaint did not warrant any change in the amount of back pay awarded Carmen Tamburo and Everett Nansen, whose discharges we found were violative of Section 8 (3) of the Act. This was in accordance with our practice of not abating back pay for delays incident to the customary processing of a case.² The respondent points out in its Petition for Reconsideration, however, that part of the delay in the issuance of the complaint in this case was due to instructions which the Board had issued to its Regional Offices, in effect at the time of the discharges of Tamburo and Nansen, not to process unfair labor practice charges involving discrimination against supervisory employees. We are of the opinion that the respondent should not be ordered to grant Tamburo and Nansen back pay for the period of this unusual delay, and we shall accordingly amend our Decision and Order.

IT IS HEREBY ORDERED that the Decision and Order of April 4, 1946, in the above-entitled case be, and it hereby is, amended by striking therefrom footnote 8, and by providing that the period prior to May 12, 1944, during which this case was held in abeyance pursuant to the Board's

¹ 67 N. L. R. B. 27.

² See *Matter of Cowell Portland Cement Company*, 40 N. L. R. B. 652, enf'd as mod. 148 F. (2d) 237 (C. C. A. 9).

68 N. L. R. B., No. 73.

instructions, be excluded in computing the amount of back pay due to Carmen Tamburo and Everett Nansen.

AND IT IS FURTHER ORDERED that the Petition for Reconsideration filed by the respondent be, and it hereby is, denied in all other respects.

MR. GERARD D. REILLY took no part in the consideration of the above Order Amending Decision and Order and Denying Petition for Reconsideration.