

In the Matter of SETZER BOX COMPANY *and* INTERNATIONAL WOOD-
WORKERS OF AMERICA, CIO

In the Matter of SETZER BOX COMPANY *and* INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND
HELPERS, LOCAL UNION 137, AFL

Cases Nos. 20-R-1418 and 20-R-1482, respectively

SECOND SUPPLEMENTAL DECISION

AND

ORDER

August 7, 1946

Pursuant to a Supplemental Decision and Second Direction of Elections issued herein by the Board on May 10, 1946, as amended on June 3, 1946, elections by secret ballot were conducted under the direction and supervision of the Regional Director for the Twentieth Region (San Francisco, California), among the employees in the two voting groups described in the Supplemental Decision. Upon the conclusion of the elections, Tallies of Ballots were furnished the parties in accordance with the Rules and Regulations of the Board.

As to the balloting, it appears that the results of the election in Group 1 were conclusive in that of approximately five eligible voters, four cast valid votes for the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 137, AFL, herein called the Teamsters. There were no challenged ballots.

The Tally in Group 2 indicates that of approximately 22 eligible voters, 15 cast valid votes, of which 6 were for the Teamsters, 2 were for International Woodworkers of America, CIO, herein called IWA, and 7 were against both participating unions. In addition, 2 ballots were challenged.

On June 11, 1946, the IWA filed objections to the election. Thereafter, the Regional Director, acting pursuant to the Board's Rules and Regulations, investigated the matters raised by the objections and by the two ballots challenged in Group 2. On June 21, 1946, he issued and duly served upon the parties a Report on the Challenged Ballots and on Objections to Election. In his Report, the Regional

Director concluded that the objections did not raise substantial or material issues and recommended that they be overruled. He further recommended that the challenge to the ballot of William W. Johnson be sustained, but that the challenge to the ballot of L. E. Percell be overruled. No exceptions were filed to the Regional Director's Report within the time provided therefor.

We have considered the Regional Director's Report on the Challenged Ballots and on the Objections to Election and the entire record in the case. We hereby adopt the Regional Director's Report. For reasons stated therein, we find that the objections do not raise substantial or material issues with respect to the conduct of the election; the objections are hereby overruled. In addition, we find the challenge to the ballot of William W. Johnson should be, and hereby is, sustained, and that the challenge to the ballot of L. E. Percell should be, and hereby is, overruled.

Inasmuch as the results of the election in Group 2 are inconclusive, we shall remand the case to the Regional Director for further appropriate action.¹

ORDER

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, as amended,

IT IS HEREBY ORDERED that the case be, and it hereby is, remanded to the Regional Director for the Twentieth Region for further action, pursuant to Article III, Section 11, of National Labor Relations Board Rules and Regulations.

Mr. JOHN M. HOUSTON took no part in the consideration of the above Second Supplemental Decision and Order.

¹ We shall not direct that the ballot of L. E. Percell be opened and counted, inasmuch as neither the outcome of the election nor the choices to be placed on the ballot in a run-off election, if any, can be affected by the counting of this ballot. Even if Percell's vote was cast for the "neither" choice, a run-off election would still be in order. See *Matter of Donnell & Mudge, Inc.*, 65 N. L. R. B. 567.