In the Matter of BUR-BEE COMPANY—WALLA WALLA, INC., AND BUR-BEE COMPANY—PASCO, INC., EMPLOYER AND PETITIONER *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL NO. 556, AFL, UNION

In the Matter of BUR-BEE COMPANY—PASCO, INC., AND BUR-BEE COMPANY—WALLA WALLA, INC., EMPLOYER *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL NO. 556, AFL, PETITIONER

Cases Nos. 19-RM-42, 19-RM-43, and 19-RC-411.

SUPPLEMENTAL DECISION

AND

ORDER

May 31, 1950

On March 30, 1950, the Board issued a Decision, Direction of Election and Order [1] in the above-entitled proceeding, in which, *inter alia*, it permitted withdrawal of the petition for representation in Case No. 19-RM-43 and, on April 5, 1950, a correction thereto. Thereafter, on April 7, 1950, the Regional Director (Nineteenth Region) advised the Board that counsel for International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 556, AFL, had filed a disclaimer of representation in Case No. 19-RM-42. On April 10, 1950, this Union filed with the Board a motion to withdraw its petition in Case No. 19-RC-411. On April 12, 1950, the Board granted the Union's request to withdraw its petition in Case No. 19-RC-411 and issued a notice to show cause why the Employer's petition in Case No. 19-RM-42 should not be dismissed on the basis of the Union's disclaimer of interest. Thereafter, on April 21, 1950, the Employer filed with the Board an answer to the rule to show cause, in which it objected to the entry of the Order permitting the withdrawal of the petition in Case No. 19-RC-411, and moved that an election be held in the unit found appropriate in the aforesaid Decision. In support of its objections and motion, the Em-

[1] 88 NLRB 1529.

ployer alleged that the Union was continuing to harass and interfere with the Employer's employees and business, was maintaining the Employer on its "unfair list," was conducting boycotts against the Employer's business, and was continuing its efforts to organize the employees of the Employer.

We find insufficient merit in the Employer's objections. The Employer has not alleged in its answer that the Union in fact continues to claim majority representative status or that it has sought recognition after filing its disclaimer. By virtue of its disclaimer, the Union has abandoned its claim to represent the employees of the Employer, and has relieved the Employer of any obligation to recognize it as the representative of such employees.[2] As there is no allegation of a present reassertion by the Union of its claim to majority status, we must regard the alleged conduct of the Union only as an attempt to organize the employees of the Employer and thereby seek to regain its former asserted status as majority representative. As we have stated in another and analogous case, there is nothing inconsistent between a valid disclaimer of majority status and continued organizational activity.[3] Accordingly, the Employer's objections are hereby overruled and its motion is denied. We shall therefor dismiss the petition in Case No. 19–RM–42.

ORDER

IT IS HEREBY ORDERED that the petition in Case No. 19–RM–42 be, and it hereby is, dismissed.

MEMBERS HOUSTON and MURDOCK took no part in the consideration of the above Supplemental Decision and Order.

---

[2] *Ny-Lint Tool & Manufacturing Co.*, 77 NLRB 642.

[3] *John F. Hubach* and *C. R. Parkinson d/b/a Hubach and Parkinson Motors, et al.*, 88 NLRB 1202. Cf. *Coca-Cola Bottling Co. of Walla Walla, Washington*, 80 NLRB 1063. *Member Reynolds* disagrees with the holding in this case for the reasons stated in his dissenting opinion in the *Parkinson* case, but considers himself bound by the majority opinion there.