tioner.[5] Although the shop-committee members, along with the CIO Intervenor's representative, signed a supplement to the contract on May 22, 1951, after this meeting took place, the employees have never rescinded the action taken at the March 2, 1951, meeting. The CIO Intervenor remains as an active, functioning union.

Upon the basis of the entire record in this case, and for the reasons set forth in the *Boyle-Midway* case,[6] we conclude that no schism has occurred within the Intervenor, and that the current contract between the Intervenor and the Employers bars a new determination of representatives at this time. Accordingly, we shall dismiss the petition.

Order

IT IS HEREBY ORDERED that the petition filed by Amalgamated Local 102, United Automobile Workers, AFL, be, and it hereby is, dismissed.

[5] The examination of the Petitioner's witness, Hazel Correa, was as follows:

Q. Was this a meeting of Local 102 of the Automobile Workers?

A. Yes.

Q. This was not a meeting of the Textile Workers?

A. No, this was a meeting of the Automobile Workers.

* * * * * * *

Q. Now, Mrs. Correa, you have stated that this meeting which took place on March 2, 1951 was a meeting of Local 102 of the UAW–AFL, is that correct?

The WITNESS. That is what I stated, but I made a mistake. I meant to say that it was a meeting of the employees of Home Curtain, Rex Curtain and Superba with 102 [the Petitioner].

[6] *Boyle-Midway, Inc.*, 97 NLRB 895.

WESCO MANUFACTURING COMPANY *and* CANVAS, TENT AND AWNING WORKERS, A. F. L., LOCAL 15, PETITIONER. *Case No. 21–RC–2098. December 29, 1951*

Decision and Order

On October 4, 1951, pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Twenty-first Region, among employees in the stipulated unit. Upon the completion of the election, a tally of ballots was furnished to the parties. The tally reveals that of approximately 136 eligible voters, 103 valid ballots were cast, of which 51 were for and 52 against the Petitioner, none was challenged, and 1 was void.

Thereafter, on October 8, 1951, the Petitioner filed timely objections to the conduct of the election. In accordance with the rules and regulations of the Board, the Regional Director conducted an investigation, and, on November 8, 1951, issued and duly served upon the parties his report on objections to the election. In his report the

Regional Director found that the Petitioner's objections raised no substantial or material issues which would justify setting the election aside, and recommended that the objections be overruled. The Petitioner filed timely exceptions to the Regional Director's determinations as to the objections.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Styles].

In substance, the Petitioner's objections alleged the following: (1) That the Employer did not make available a list of the employees eligible to vote until 30 minutes before the election, and that the Petitioner was thereby precluded from publicizing the election to 21 employees who had been temporarily laid off; (2) that the Employer failed to notify these employees in time to get to the plant and vote; (3) that the Employer's lists of terminated employees was questionable; and (4) that the Employer "used threatening language against employees if they voted for the Union."

As to the first objection, the Regional Director found that the Petitioner did not ask the Employer to furnish the eligibility list until the morning of October 3, 1951, the day before the election. As the purpose underlying the Board's policy permitting the checking of the eligibility list is to allow verification of the correctness of the list, and the Petitioner had, in fact, sufficient time to do so, we find no merit in this objection.[1]

The second objection, in our opinion, is likewise untenable. The Employer sent night letters to 21 laid-off employees the day before the election. Nineteen of the night letters were delivered, 1 was returned undelivered because the addressee had gone to Mexico, and the other was not delivered because of an error in address made by the telegraph office. As to the Petitioner's contention that 2 other eligible employees did not receive telegrams, the Regional Director found that 1 of the employees had been working until September 30, 1951, when he left on vacation, and the other had quit on September 21, 1951, to return to school. The notices of the election had in fact been posted in the plant since September 26, 1951—8 days before the election. Of approximately 136 eligible voters, 104 actually cast ballots. As the Employer was not required, in any event, under Board procedure to send the night letters to the employees in question, we find no merit in this objection.

As the Regional Director's investigation did not establish that the list of eligible voters was incorrect or that any ineligible person voted, we agree with his determination that the third objection is likewise without merit. As to the fourth objection, it seems clear

[1] *Gerber Products Company*, 95 NLRB 1300.

from the report on objections that the Petitioner offered no evidence to support its contention that the Employer threatened employees if they voted for the Petitioner or engaged in other acts of interference.

The Petitioner's exceptions to the Regional Director's Report on objections go beyond its initial objections. Among other things, it is contended in the exceptions that the Employer caused the temporary layoff for the purpose of influencing the results of the election. The Petitioner fails, however, to offer any evidence that the temporary layoff was actuated by other than economic reasons. The Petitioner alleges that the Employer's officials delivered a prepared speech the day before the election. However, no evidence was offered to demonstrate that the speech was coercive or that the Petitioner requested and was denied a similar opportunity to address the employees.[2] Finally, the petitioner contends that one Albert Martinez was not permitted to vote because his name was not on the eligibility list. It is clear from the Regional Director's report that Martinez was discharged on September 21, 1951, and replaced the following working day. Under the circumstances, even if this allegation were true, it would not affect the election.

Accordingly, we shall, in agreement with the Regional Director, overrule the objections.

As we have overruled the Petitioner's objections, and as the tally of ballots shows that no collective bargaining representative has been chosen, we shall dismiss the petition.

Order

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

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[2] Cf. *Bonwit-Teller, Inc.*, 96 NLRB 608.

VALHALLA MEMORIAL PARK, VALHALLA PROPERTIES, AND PIERCE BROTHERS *and* SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS AND AFFILIATED LABORERS LOCAL NO. 300, AFL, PETITIONER.
Case No. 21–RC–2004. December 29, 1951

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Ben Grodsky, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.