

this statement was not privileged under Section 8 (c) of the Act;² nor was this threat so minor or isolated in character as to have no substantial tendency to affect the results of the election, having been made at a meeting of the employees held by the Employer. We find no merit in the Employer's exception directed to the hearing officer's resolutions of credibility. The Board will reverse a hearing officer's credibility findings only when convinced that the clear preponderance of all the relevant evidence compels a contrary conclusion,³ and in this case we are not convinced that the hearing officer has erred in this regard. We therefore find, as did the hearing officer, that by Morehouse's threat of loss of economic benefits the Employer interfered with the freedom of choice of its employees in their selection of a bargaining representative; we shall adopt the hearing officer's recommendation that the election be set aside and a new election held.

In view of our disposition of Petitioner's objection relating to the content of Morehouse's speech to the employees, we find it unnecessary, and we do not, rule on issues raised by the remainder of Petitioner's objections.

ORDER

IT IS HEREBY ORDERED that the election of December 10, 1952, be, and it hereby is, set aside.

IT IS FURTHER ORDERED that this proceeding be remanded to the Regional Director for the Ninth Region for the purpose of conducting a new election at such time as he deems that circumstances permit a free choice of bargaining representative.

² Compare Gardner Machine Company, 106 NLRB 197.

³ Standard-Toch Chemicals, Inc., 104 NLRB 1120.

PRYNE & COMPANY, INC. *and* UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA (UE), LOCAL 1421.
Case No. 21-CA-1146. November 24, 1953

SUPPLEMENTAL DECISION AND ORDER

On June 9, 1953, the Board issued a Decision and Order in this case (105 NLRB 447). Thereafter, on July 20, 1953, Pryne & Company filed a motion for the redetermination of the compliance status of United Electrical, Radio & Machine Workers of America (UE), Local 1421, Independent, herein referred to as the Union, and for the dismissal of the complaint against it. On October 9, 1953, the Board issued a notice to show cause to the Union why the Board should not determine

that the Union was not in compliance with Section 9 (h) of the Act, at all times material hereto, and why, if the Board determines that the Union was not in compliance, the Board should not set aside the Decision and Order and dismiss the complaint in Case No. 21-CA-1146.

On November 23, 1953, the Board determined that the Union was not in compliance until March 20, 1952. No cause has been shown why the Board should not proceed as indicated in the notice to show cause.

[The Board set aside the Decision and Order in Case No. 21-CA-1146 and dismissed the complaint.]

SQUARE D COMPANY *and* UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA (UE), LOCAL 1421, INDEPENDENT. Cases Nos. 21-CA-956 and 21-CA-1106. November 24, 1953

SUPPLEMENTAL DECISION AND ORDER

On June 2, 1953, the Board issued a Decision and Order in these cases (105 NLRB 253). Thereafter, on July 22, 1953, Square D Company filed a motion for the redetermination of the compliance status of United Electrical, Radio and Machine Workers of America (UE), Local 1421, Independent, herein referred to as the Union, and for the dismissal of the complaint against it. On October 9, 1953, the Board issued a notice to show cause to the Union why the Board should not determine that the Union was not in compliance with Section 9 (h) of the Act at all times material hereto, and why, if the Board determines that the Union was not in compliance, the Board should not set aside the Decision and Order and dismiss the complaints in Cases Nos. 21-CA-956 and 21-CA-1106.

On November 23, 1953, the Board determined that the Union was not in compliance until March 20, 1952. No cause has been shown why the Board should not proceed as indicated in the notice to show cause.

[The Board set aside the Decision and Order in Cases Nos. 21-CA-956 and 21-CA-1106 and dismissed the complaint.]