

circumstances we believe that the alleged conduct, which related directly to the strike rather than to the election, was too remote to have probable effect upon the election.<sup>3</sup> We therefore find that the alleged conduct did not create such a general atmosphere of confusion or fear as to render impossible or improbable the rational, uncoerced selection of a bargaining representative.

As we find that the Employer's exceptions to the Regional Director's report do not raise substantial or material issues respecting the conduct of the election,<sup>4</sup> we shall overrule the objections.

As it appears from the tally of ballots that the Petitioner has secured a majority of the valid votes cast in the election, we shall certify the Petitioner as the bargaining representative of the employees in the appropriate unit.

[The Board certified United Packinghouse Workers of America, affiliated with the CIO, as the designated collective-bargaining representative of the employees of the Employer in the unit found appropriate in the Decision and Direction of Election herein.]

Member Beeson took no part in the consideration of the above Supplemental Decision and Certification Representatives.

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<sup>3</sup>Cf. Bloomingdale Brothers, Inc., 87 NLRB 1326, and cases cited in footnotes 9 and 10.

<sup>4</sup>Accordingly, we deny the Employer's motion for oral argument and alternative request for remand for further hearing on the strike conduct.

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MANGEL'S OF LITTLE ROCK, INC. *and* RETAIL CLERKS' INTERNATIONAL ASSOCIATION, LOCAL UNION NO. 1583, AFL, Case No. 32-RC-570. March 30, 1954

### SUPPLEMENTAL DECISION AND DIRECTION

Pursuant to a Decision and Direction of Election issued by the Board herein on December 15, 1952,<sup>1</sup> an election by secret ballot was conducted on January 10, 1953, under the supervision of the Regional Director for the Fifteenth Region, among the employees in the unit found appropriate by the Board. Following the election a tally of ballots was furnished the parties. The tally shows that of approximately 19 eligible voters, 7 voted for the Petitioner, 6 voted against the Petitioner, and 4 voted under challenge.

On January 15, 1953, the Employer filed objections to conduct affecting the results of the election. The Regional Director investigated the objections and the challenged ballots, as the

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<sup>1</sup>Not reported in printed volumes of Board Decisions and Orders.

latter were sufficient in number to affect the results of the election. On July 3, 1953, he issued a report on objections and challenged ballots, in which he recommended that the objections be overruled, that the challenge to the ballot of Mary Alice Robinson be overruled, that the challenge to the ballot of Sylvia Levine be sustained, and that a determination of the validity of the ballots of Lillian Henry and Alice Mae Smith be postponed until the Board should decide in an unfair labor practice proceeding then pending (Case No. 32-CA-312) whether these individuals were discriminatorily discharged. The Employer filed timely exceptions to the Regional Director's report. On December 2, 1953, Trial Examiner Sidney L. Feiler issued an Intermediate Report in which he found that Henry and Smith had been discriminatorily discharged. The Employer has not filed exceptions to the said Intermediate Report within the time required therefor and has complied with its recommendations.

The Board has considered the Regional Director's report, the Employer's exceptions thereto, the Trial Examiner's Intermediate Report in Case No. 32-CA-312, and the entire record in the case. For the reasons stated by the Regional Director in his report, the Board hereby overrules the Employer's objections, sustains the challenge to the ballot of Sylvia Levine, and overrules that to the ballot of Mary Alice Robinson. As the Respondent has not excepted to the Trial Examiner's Intermediate Report in Case No. 32-CA-312 and has complied with its recommendations, we find that Lillian Henry and Alice Mae Smith were eligible to vote in the election and overrule the challenges to their ballots. We shall direct that the ballots of Robinson, Smith, and Henry be opened and counted.

[The Board directed that the Regional Director for the Fifteenth Region shall, within ten (10) days from the date of this direction, open and count these ballots and serve upon the parties a supplemental tally of ballots.]

Member Beeson took no part in the consideration of the above Supplemental Decision and Direction.

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CUSTOM UNDERWEAR MANUFACTURING COMPANY *and*  
FLORENCE H. MILLER

INTERNATIONAL LADIES' GARMENT WORKERS' UNION,  
A. F. L. *and* FLORENCE H. MILLER. Cases Nos. 4-CA-  
867 and 4-CB-174. March 31, 1954

### DECISION AND ORDER

On October 27, 1953, Trial Examiner Louis Plost issued his Intermediate Report in the above-entitled consolidated pro-