

SALVADOR RIGGIO, AN INDIVIDUAL, D/B/A COAST FREIGHT LINES AND RIGGIO'S DELIVERY SERVICE *and* GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS, LOCAL 270, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL. *Case No. 15-CA-641. December 16, 1954*

Decision and Order

On March 2, 1954, Trial Examiner Charles W. Whittemore issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices, and recommending that it cease and desist therefrom and take certain affirmative action as set forth in the Intermediate Report. Thereafter, the General Counsel and the Respondent filed exceptions to the Intermediate Report, and supporting briefs.

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed.¹ The Board has considered the Intermediate Report, the exceptions and briefs, and the entire record in this case. The Board finds it will not effectuate the policies of the Act to assert jurisdiction in this case, and shall, for the reasons hereinafter stated, dismiss the complaint in its entirety.

The Respondent, Salvador Riggio, owns and operates a trucking enterprise in New Orleans, Louisiana. The Respondent operates this enterprise under two names, Coast Freight Lines and Riggio's Delivery Service. Under the name of Coast Freight Lines, Riggio operates as an interstate motor carrier under a permit issued by the Interstate Commerce Commission. This franchise held by him since 1943 permits him to operate and haul freight from Louisiana to a number of points along the gulf in the State of Mississippi. The Respondent has a number of contracts with different firms to transport a minimum amount of goods across State lines. The total amount of revenue received by the Respondent operating as Coast Freight Lines during 1953 was \$24,949. Under the name of Riggio's Delivery Service, the Respondent operates as a local drayage in the city of New Orleans. The total amount of revenue received by the Respondent operating as Riggio's Delivery Service during 1953 was \$22,838.

From the above figures it is apparent that, as the total amount of the Respondent's interstate operations as Coast Freight Lines during 1953 was less than \$100,000, it does not meet the Board's new jurisdictional standards applicable to this enterprise. Moreover, the Respondent, as Riggio's Delivery Service, is engaged in local drayage as distinguished from interlining operations for interstate motor car-

¹ At the hearing, the Respondent moved to dismiss the complaint herein on jurisdictional grounds. For the reasons hereinafter stated, the motion is granted.

riers; we may not, under *Edelen Transfer*, add these figures to those representing the Respondent's revenue from interstate shipments.² We therefore find that the Respondent's operations do not have such an impact on interstate commerce as to justify the assertion of jurisdiction by the Board. Accordingly, we shall dismiss the complaint in its entirety.³

[The Board dismissed the complaint.]

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

² *Edelen Transfer and Storage Company, Inc.*, 110 NLRB 1881. We note that even if Riggio's revenue had been from interlining operations, the combined figures would have amounted only to \$47,785, which is considerably below the \$100,000 required in *Edelen Transfer*.

³ For the reasons set forth in their dissenting opinion in *Edelen Transfer and Storage Company, supra*, Members Murdock and Peterson find that it would effectuate the policies of the Act to assert jurisdiction herein. However, as they deem themselves bound by the majority decision in the *Edelen* case, they concur in the dismissal of the complaint.

SIXTO ORTEGA D/B/A SIXTO and UNION #1 DE PANADEROS, REPOSTERAS RAMAS ANEXAS DE P. R., FLT, PETITIONER. *Case No. 24-RC-751. December 16, 1954*

Decision and Order

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

Upon the entire record in this case, the Board finds:

In Santurce, Puerto Rico, the Employer operates under the same roof a bakery, a pastry shop, and a soda fountain. He sells no meals but serves ice cream sodas, sandwiches, coffee, lemonade, and other soft drinks, and makes retail sales of ham, cheese, apples, bread, and pastry. Gross sales for the enterprise in 1953 were in excess of \$200,000. All sales were local. Gross purchases totaled approximately \$139,000 and were all made locally, although \$20,000 worth of flour, purchased through a local agent, was directly shipped to the Employer from outside Puerto Rico.

The Employer contests jurisdiction on the ground that the Act, which is applicable to the Territories, is not applicable to the Commonwealth of Puerto Rico. We find it unnecessary to pass on the Employer's contention at this time, as we find, on other grounds, that it will not effectuate the policies of the Act to assert jurisdiction in this case. While it is true that the operations of this Employer are not wholly unrelated to commerce, the relationship to commerce is no greater here than in the case of a similar enterprise in any of the 48