

Nudor Manufacturing Corporation and Independent Metal Workers of America,¹ Petitioners and Lumber and Sawmill Workers, Local 2288, AFL;² International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 578, AFL. Cases Nos. 21-RM-326 and 21-RC-3807. November 8, 1955

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVE

Pursuant to a Board Order issued August 25, 1955, reinstating its Decision and Direction of Election dated August 16, 1955,³ an election by secret ballot was conducted on September 7, 1955, under the direction and supervision of the Acting Regional Director for the Twenty-first Region, among the employees in the unit found appropriate. Thereafter, the parties were furnished a tally of ballots showing that of 21 voters casting valid ballots, 19 voted for Petitioner, none voted for Local 2288, and 2 voted against the participating labor organizations. No void ballots were cast, but one was challenged. The challenged ballot was not sufficient to affect the results of the election.

On September 13, 1955, Local 2288 filed timely objections to conduct affecting the results of election. The Regional Director investigated the objections, and, on September 26, 1955, duly served upon the parties his report on objections in which he found that the objections were without merit and recommended that they be overruled. Thereafter, Local 2288 filed timely exceptions to the Regional Director's report.

The Board, having considered the Regional Director's report, the exceptions, and the entire record, finds as follows:

In its objection No. I, Local 2288 alleges (a) that the Petitioner is dominated and controlled by the Employer, (b) that the Employer has given and is giving Petitioner illegal support, (c) that the Employer has illegally entered into a contract with it, and (d) that the Employer improperly and illegally used this contract to influence the outcome of the election. In its objection No. II, Local 2288 contends that as the Petitioner was out of compliance at the time the Board's Decision and Direction of Election issued, the election is therefore invalid. In its objection No. III, Local 2288 contends that the Board's Order reinstating its Decision and Direction of Election after Petitioner came back into compliance is also invalid for the same reason given in objection No. II and for the further reason that it is illegal and improper to reinstate an order which was invalid when made.

With regard to allegations (a), (b), and (c) in objection No. I, it is patent that these, in effect, amount to allegations of an 8 (a) (2)

¹ Referred to hereinafter as the Petitioner.

² Referred to hereinafter as Local 2288.

³ Not reported in printed volumes of Board Decisions and Orders.

violation and are of a type which the Board will not determine in a representation proceeding. Furthermore, Local 2288 has incorporated these allegations in an unfair labor practice charge⁴ which has been dismissed by the General Counsel. Under the circumstances, we find no merit in these allegations.⁵ As to allegation (d) in objection No. I, the report on objections discloses that, although afforded ample opportunity to do so, Local 2288 failed to submit evidence in support of this allegation. In view of the well-established rule that the Board will not attempt to evaluate an allegation unsupported by evidence,⁶ we find this allegation to be without merit. In agreement with the Regional Director, we overrule objection No. I.

Objections Nos. II and III concerning compliance are directed to the Board's Decision and Direction of Election and to the Board's Order reinstating its Decision and Direction of Election, rather than to any conduct in connection with the election. As these objections do not raise any matters not heretofore considered, we find, in agreement with the Regional Director, that they are without merit. These objections are therefore overruled.⁷

As the Petitioner received a majority of the valid ballots cast in the election, we shall certify it as the exclusive bargaining representative of all employees in the appropriate unit.

[The Board certified Independent Metal Workers of America, as the designated collective-bargaining representative of the employees of the Employer, in the unit heretofore found by the Board to be appropriate.]

MEMBER MURDOCK took no part in the consideration of the above Supplemental Decision and Certification of Representative.

⁴ Case No. 21-CA-2122.

⁵ *Garner Aviation Service Corporation and Lynchburg Air Transport and Sales Corporation, d/b/a Garner Aviation Service Corporation*, 114 NLRB 293.

⁶ *N. B. Liebman & Company, Inc.*, 112 NLRB 88.

⁷ *Globe Steel Tubes Co.*, 103 NLRB 1197, at p. 1198.

The De Vilbiss Company and Richard Glenn Platt, Petitioner and International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO) and Its Local Union No. 1237. *Case No. 6-RD-119. November 9, 1955*

SUPPLEMENTAL DECISION, ORDER, AND SECOND DIRECTION OF ELECTION

Pursuant to a Decision and Direction of Election issued August 11, 1955,¹ an election by secret ballot was conducted on August 25, 1955, among the employees of the Employer in the unit found appropriate

¹ Not reported in printed volumes of Board Decisions and Orders.