2 The evidence does not establish a violation of the Act in any particular by White Front Stores, Inc

3. By reason of the fact that no charge was filed or served upon Esgro Central Inc, no finding of unfair labor practice is made as to that corporation and no order is recommended against it.

4. Esgro Valley Inc. and Esgro Central Inc. are employers within the meaning of Section 2(2) of the Act.

5. Retail Clerks International Association, Local No. 777, AFL–CIO, is a labor organization within the meaning of Section 2(5) of the Act.

6 Retail Clerks Union, Local 770, is a labor organization within the meaning of Section 2(5) of the Act and is the successor to Retail Clerks International Association, Local No. 777, AFL–CIO.

7 By causing an employer to discharge Herbert Rivkin in violation of Section 8(a)(3) of the Act on February 23, 1960, Retail Clerks #777 has violated Section 8(b)(2) and 8(b)(1)(A) of the Act

8. By discharging Herbert Rivkin on June 10, 1960, Respondent Esgro Valley Inc. has violated Section 8(a)(1) and (4) of the Act.

9. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act

[Recommendations omitted from publication]

American Federation of Television and Radio Artists, AFL–CIO *and* L. B. Wilson, Inc. (Radio Station WCKY)

Cincinnati Local, American Federation of Television and Radio Artists, AFL–CIO *and* L. B. Wilson, Inc., (Radio Station WCKY). *Cases Nos. 9–CC–131 and 9–CC–132. January 15, 1962*

ORDER DENYING MOTION

On October 31, 1961, the Board issued a Supplemental Decision and Amended Order (133 NLRB 1736), pursuant to remand of the United States Court of Appeals for the Sixth Circuit (285 F. 2d 902).

On November 16, 1961, the Charging Party filed a motion for reconsideration. On November 27, 1961, the Respondents filed a memorandum in opposition.

The motion for reconsideration argues principally that the Board exceeded the scope of the court remand, and the Supplemental Decision was therefore void and without effect on the original Decision and Order (125 NLRB 786). More particularly, the argument is that the court remand only authorized the Board to make findings of fact upon the evidence exclusive of the testimony of witnesses Thornburgh and Sheppard, and did not authorize the Board to modify its original decision.

We find merit in the Respondents' argument, in opposition, that the court remand necessarily included authority for the Board to render a new decision based upon its findings of fact.

The Board having duly considered the matter,

IT IS HEREBY ORDERED that the Charging Party's Motion for Reconsideration be, and it hereby is, denied.