

Pacific Transport Lines, Inc. and Ernest Brown

Marine Cooks and Stewards, AFL-CIO and Ernest Brown. *Cases Nos. 20-CA-1185 and 20-CB-46L. January 18, 1962*

SUPPLEMENTAL DECISION AND ORDER

On February 10, 1958, the Board issued a Decision and Order in the above-entitled proceeding¹ finding that Respondent Union violated Section 8(b)(2) and 8(b)(1)(A) of the Act by causing the discharge of Ernest Brown for the nonpayment of dues. The Board found that Brown was not given a reasonable time within which to tender his dues after the Union revoked an extension of time granted for such payment. The Board also found that Respondent Company violated Section 8(a)(3) of the Act by discharging Brown with knowledge of the Union's peremptory revocation of the extension of time.

Thereafter, on April 3, 1961, the United States Court of Appeals for the Ninth Circuit denied the Board's petition for enforcement of its Order against both Respondents.² In this connection, the court rejected the theory upon which the Board predicated its findings. However, the court noted that the Board had specifically found it unnecessary to pass upon an issue as to whether the Union could lawfully effect a discharge of Brown, because included within its demand for payment were back dues for a period prior to Brown's employment with the Respondent Company. For this reason, the court remanded the case to the Board for such further proceedings as the Board deems justified.

The Board has reviewed the entire record in this case in the light of the court's remand. Under all the circumstances, the Board has concluded that further proceedings are not justified. Accordingly, the complaint will be dismissed.

[The Board dismissed the complaint.]

MEMBER BROWN took no part in the consideration of the above Supplemental Decision and Order.

¹ 119 NLRB 1505.

² *N.L.R.B. v. Pacific Transport Lines, Inc., and Marine Cooks & Stewards, AFL-CIO*, 290 F. 2d 14.

135 NLRB No. 50.

Star Paper Tube, Inc. and United Textile Workers of America, AFL-CIO. *Case No. 5-CA-1910. January 19, 1962*

DECISION AND ORDER

On October 30, 1961, Trial Examiner Arthur E. Reyman issued his Intermediate Report in the above-entitled proceeding, finding
135 NLRB No. 45.