

**Voyager 1000, a Corporation and International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner.** Case 25-RC-4780

April 4, 1973

**DECISION AND ORDER**

BY CHAIRMAN MILLER AND MEMBERS  
FANNING AND KENNEDY

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Frederick G. Winkler. Following the hearing, this case was transferred to the National Labor Relations Board in Washington, D.C., pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. They are hereby affirmed.

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

The Employer, Voyager 1000, an Indiana corporation with its principal place of business in Indianapolis, Indiana, is engaged in furnishing air travel service to members of its organization. As an air travel club, the Employer has about 15,000 member families (representing about 45,000 people) each of which pays an initiation fee and monthly membership fees. The Employer has six aircraft, either owned outright or under lease-purchase agreements, which are maintained at its Indianapolis facility. Voyager flights, most of which originate in Indianapolis and are destined for various points throughout the United States, are scheduled a year in advance. The Employer does not sell tickets for any airlines, and it does not carry any mail or freight.

<sup>1</sup> Title II of the Railway Labor Act extends the coverage of that Act to "every common carrier by air engaged in interstate or foreign commerce and every air pilot or other person who performs any work as an

The Employer does in excess of \$500,000 business annually. The duties of the mechanics and related employees sought by the Petitioner includes work in connection with the Employer's aircraft. The Employer moves for dismissal of the petition on the ground that it is a common carrier by air engaged in interstate commerce within the meaning of the Railway Labor Act,<sup>1</sup> and that this Board is therefore without jurisdiction.

Because of the nature of the question presented here, we requested, as we have in other cases in the past,<sup>2</sup> the National Mediation Board (as the agency primarily vested with jurisdiction, under the Railway Labor Act, over air carriers, and having primary authority to determine its own jurisdiction) to study the record in this case and determine the applicability of the Railway Labor Act to the Employer. We are administratively advised by the National Mediation Board, under date of March 7, 1973, that:

It is the opinion of the National Mediation Board, in view of the Civil Aeronautics Board's proceeding in Docket No. 23991 and further supported by our review of the transcript and exhibits compiled in NLRB Case No. 25-RC-4780, that the activities of Voyager 1000 fall within the jurisdictional ambit of Title II of the Railway Labor Act. Therefore, the National Mediation Board has docketed the application of the International Association of Machinists and Aerospace Workers involving mechanics and related employees of Voyager 1000, and it is the National Mediation Board's intent to process this application for the investigation of a representation dispute as expeditiously as possible.

In view of the foregoing, we shall dismiss the petition in its entirety.

**ORDER**

It is hereby ordered that the petition in Case 25-RC-4780 be, and it hereby is, dismissed in its entirety.

employee of such carrier "

<sup>2</sup> See, e.g., *Lynch Flying Service, Inc.*, 166 NLRB 961, and cases cited therein