

Alson Manufacturing Aerospace Division of Alson Industries, Inc. and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, U.A.W., Local 509. Case 21-CA-12363

July 30, 1974

ORDER DENYING MOTIONS

BY MEMBERS JENKINS, KENNEDY, AND PENELLO

On June 24, 1974, the National Labor Relations Board issued a Decision and Order in the above-entitled proceeding,¹ finding that the Respondent had engaged in and was engaging in certain unfair labor practices in violation of Section 8(a)(5) and (1) of the National Labor Relations Act, as amended, and ordering that the Respondent cease and desist therefrom and take certain affirmative action to remedy such unfair labor practices.

Thereafter, on June 27, 1974, the Respondent filed a motion to stay Board proceedings in Case 21-CA-12363 and to reopen Board proceedings in Case 21-RC-13252 based upon an alleged lack of a quorum of the Board Panel which issued the Decision and Certification of Representative in Case 21-RC-13252, and upon the Respondent's exceptions and supporting brief to the Regional Director's Report on Objections, which, *inter alia*, requested a hearing on its objections. Since the Board's Decision and Order has already been issued, the Respondent's motion to stay and reopen will be considered as a motion for

Reconsideration of the aforesaid Decision and Order.²

The Second Circuit's decision in *KFC National Management Corporation v. N.L.R.B.*, 497 F.2d 298 (C.A. 2, 1974), upon which the Respondent relies to support its quorum contention, involved the Board's denial of a Request for Review and a Motion for Reconsideration of the Regional Director's decision overruling election objections and certifying the Union and the implementation of such rulings by an order of the Board's Executive Secretary. In the underlying representation proceeding and in the instant unfair labor practice proceeding, the individual Board members of the panel personally approved, by notation, the draft opinions submitted to them with recommendations and thereafter the panel issued the Decision and Certification of Representative in Case 21-RC-13252 on December 4, 1973, and the Decision and Order in the instant proceeding on June 24, 1974. The Second Circuit's decision in *KFC* is thus inapposite and inapplicable to the situation where, as here, the Board panel members have individually noted their approval of the decisions.

With respect to the Respondent's exceptions and request for a hearing on its objections, the Respondent raises nothing new that was not previously considered by the Board panel in its Decision and Order herein. In these circumstances, the Respondent's Motions for Reconsideration and contentions in support thereof are found to be lacking in merit and the Motions for Reconsideration will be denied.

ORDER

It is hereby ordered that the Respondent's Motions for Reconsideration be, and they hereby are, denied.

¹ 211 NLRB No. 134 (1974).

² Thereafter, the Respondent filed a Motion for Reconsideration in Case 21-CA-12363 in which it basically reiterates the lack-of-quorum argument.