The Madison Courier, Inc. *and* Louisville Typographical Union No. 10, International Typographical Union, AFL–CIO. Case 25–CA–2217

February 6, 1975

THIRD SUPPLEMENTAL DECISION AND ORDER

BY ACTING CHAIRMAN FANNING AND MEMBERS JENKINS AND PENELLO

On March 30, 1973, the Board issued a Second Supplemental Decision and Order[1] in a backpay proceeding finding certain specified amounts of backpay due to employees David R. Ashby, Bernard A. Corbin, Albert Lee Dowell, Paula B. Feltner, Louis D. Giltner, Rudolph D. Juett, Virginia F. Kerr, Henry Lorenz, Jr., August Mead, Judith A. Moore, James H. Nichols, and Micky D. Storie.

On October 11, 1974, the United States Court of Appeals for the District of Columbia issued an order refusing enforcement of the Board's Second Supplemental Decision and Order and again remanding the case to the Board for further proceedings consistent with the court's opinion.[2] For the reasons set forth in the majority's opinion, the court upheld the Board's backpay award as to Walter Dowell, upheld partial awards to Albert Dowell, Giltner, and Storie,[3] and denied backpay as to the remaining six discriminatees, *viz,* Corbin, Juett, Kerr, Lorenz, Mead, and Nichols.

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.

Having accepted the remand we are thereby bound by the court's opinion, which we respectfully recognize as binding upon us only for the purpose of deciding this case.

ORDER

On the basis of the opinion of the United States Circuit Court of Appeals for the District of Columbia, dated October 11, 1974, and the Administrative Law Judge's Supplemental Decision dated May 26, 1969, as modified herein, the National Labor Relations Board hereby orders that the Respondent, The Madison Courier, Inc., its officers, agents, successors, and assigns, shall pay the claimants involved in this proceeding as net backpay the amounts determined to be due by the Administrative Law Judge in the said Supplemental Decision as modified by the said opinion of the court.

[1] *The Madison Courier, Inc*, 202 NLRB 808 (1973). See also *The Madison Courier, Inc.*, 162 NLRB 550 (1967); *Louisville Typographical Union No. 10, International Typographical Union, AFL–CIO [The Madison Courier, Inc]* v. *N L R B.*, 67 LRRM 2462, 57 LC ¶ 12,647 (C.A.D C., 1967); *The Madison Courier, Inc*, 180 NLRB 781 (1970); and *N.L.R B* v. *Madison Courier, Inc*, 472 F.2d 1307 (1972).

[2] *N L.R B.* v. *Madison Courier, Inc.*, 505 F.2d 391, Judges MacKinnon and Robb, Judge Leventhal dissenting.

[3] Albert Dowell was denied backpay for the period preceding October 1966, while Giltner and Storie were awarded backpay only up to that date.