

In the Matter of DWIGHT MANUFACTURING COMPANY and LOCAL No.  
1878, OF UNITED TEXTILE WORKERS OF AMERICA

*Case No. R-9*

ORDER

*October 20, 1939*

On November 4, 1935, Local No. 1878, United Textile Workers of America, herein called Local No. 1878, filed with the Regional Director for the Tenth Region (Atlanta, Georgia) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Dwight Manufacturing Company, Gadsden, Alabama, herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449. On November 14, 1935, the National Labor Relations Board, herein called the Board, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing on due notice. Pursuant to notice duly served, a hearing was held on January 2, 3, 4, 6, and 7, 1936, before a Trial Examiner duly designated by the Board. Dwight Employees Association, herein called the Association, and eight individual employees of the Company intervened in the proceeding and opposed the holding of an election by the Board. On March 9, 1936, the Board issued a Decision and a Direction of Election,<sup>1</sup> and on March 16, 1936, issued an Amended Direction of Election.<sup>2</sup> The Amended Direction of Election directed that an election by secret ballot be held among certain employees of the Company to determine whether they desired to be represented by the Association or by Local No. 1878, such election to be held within 10 days after the production by the Company of its pay-roll lists. On April 26, 1937, after the termination of certain litigation concerning this proceeding, pending which no action had been taken pursuant to the Amended Direction of Election, Textile Workers' Organizing Committee, on behalf of Local No. 1878, requested the

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<sup>1</sup> 1 N. L. R. B. 309.

<sup>2</sup> 1 N. L. R. B. 315.

16 N. L. R. B., No. 23.

Board to defer action in the case indefinitely. On September 22, 1939, Textile Workers Union of America, which claims to be the successor of the international union with which Local No. 1878 was affiliated, filed with the Regional Director a request for the withdrawal of the said petition without prejudice. No other organization has asked the Board to continue its investigation of representatives. Under these circumstances, and in view of the time which has elapsed since the issuance of the Amended Direction of Election, the Board sees no reason why the request of Textile Workers Union of America should not be granted.

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 2,

IT IS HEREBY ORDERED that leave be, and it hereby is, granted for the withdrawal of the petition for investigation and certification of representatives of employees of Dwight Manufacturing Company, Gadsden, Alabama, filed by Local No. 1878, United Textile Workers of America, on November 4, 1935, and the said petition is hereby deemed to have been withdrawn, without prejudice;

AND IT IS FURTHER ORDERED that the said order of November 14, 1935, the hearing held on January 2, 3, 4, 6 and 7, 1936, the Decision and the Direction of Election issued on March 9, 1936, the Amended Direction of Election issued on March 16, 1936, and all other proceedings before the Board taken pursuant to the said petition be, and they hereby are, vacated and set aside, and that this case be, and it hereby is, closed.

MR. WILLIAM M. LEISERSON took no part in the consideration of the above Order.