

In the Matter of DAN LOGAN AND J. R. PAXTON, CO-PARTNERS, D/B/A LOGAN AND PAXTON *and* TEXAS FRUIT & VEGETABLE WORKERS UNION LOCAL 35, UCAPAWA-CIO

In the Matter of C. B. WILLIAMS *and* TEXAS FRUIT & VEGETABLE WORKERS UNION LOCAL 35, UCAPAWA-CIO

In the Matter of JAMES G. McCARRICK AND W. A. RICHARDSON; CO-PARTNERS, D/B/A JAMES G. McCARRICK COMPANY *and* TEXAS FRUIT & VEGETABLE WORKERS UNION, LOCAL 35, UCAPAWA-CIO

Cases Nos. 16-R-798, 16-R-801 and 16-R-819, respectively

SUPPLEMENTAL DECISION

AND

DIRECTION

May 13, 1944

On March 8, 1944, the National Labor Relations Board issued a Decision and Direction of Elections in the above-entitled matter,¹ providing for separate elections by secret ballot at each of the Companies involved. Pursuant to the Direction of Elections, an election by secret ballot was conducted on March 23, 1944, under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas), among the employees of Dan Logan and J. R. Paxton, co-partners, d/b/a Logan and Paxton, Mercedes, Texas.

On March 23, 1944, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, issued and duly served a Tally of Ballots.

As to the balloting and the results thereof, the Regional Director reported as follows:

Total approximate number of eligible voters.....	90
Total ballots cast.....	47
Total void ballots.....	0
Votes cast for Texas Fruit and Vegetable Workers Union, Local 35, UCAPAWA-CIO.....	17
Votes cast against the participating Union.....	0
Challenged ballots.....	30

¹ 55 N. L. R. B. 310.

56 N. L. R. B., No. 100.

Since the results of the election showed that the challenged ballots are sufficient in number to effect the determination of representatives, the Regional Director provided for an investigation into the issues raised by the challenges.

On April 18, 1944, the Regional Director served upon the parties a "Report on Challenged Ballots," in which he recommended that all of the challenged ballots be opened, counted, and tabulated. No exceptions to the Regional Director's report have been filed by any of the parties. We have considered the challenges and the Regional Director's Report thereon, and find that all of the challenged ballots should be opened, counted, and tabulated.

DIRECTION

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining with Logan and Paxton, Mercedes, Texas, the Regional Director for the Sixteenth Region (Fort Worth, Texas) shall, pursuant to the Rules and Regulations of the Board, set forth above, and subject to Article III, Section 10 of said Rules and Regulations, within ten (10) days from the date of this Direction, open and count all the challenged ballots and thereafter prepare and cause to be served upon the parties to this proceeding a Supplemental Election Report, embodying therein his findings and his recommendations as to the results of the balloting.