

In the Matter of VAUGHAN MOTOR COMPANY and INTERNATIONAL
ASSOCIATION OF MACHINISTS, LOCAL 63

Case No. 19-R-1184

SUPPLEMENTAL DECISION

AND

ORDER

May 27, 1944

On February 16, 1944, the National Labor Relations Board issued a Decision and Direction of Election in this proceeding.¹ Pursuant to the Direction of Election, an election by secret ballot was conducted on March 10, 1944, under the direction and supervision of the Regional Director for the Nineteenth Region (Seattle, Washington). On March 10, 1944, the Regional Director issued and duly served on the parties a Tally of Ballots.

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

Approximate number of eligible voters.....	133
Valid votes counted.....	120
Votes cast for International Association of Machinists, Local 63..	58
Votes cast against the participating union.....	62
Challenged ballots.....	5
Void ballots.....	0

On March 15, 1944, International Association of Machinists, Local 63, herein called the Union, filed objections to the conduct of the election.

Since the validity of the challenged ballots might affect the results of the election, the Regional Director investigated the challenges and the Union's objections to the conduct of the election and, on May 3, 1943, issued and duly served on the parties a report giving the result of his investigation on the several issues. The ballots of Edward Pearson, Al Lippert, Harold Honstein, Walter St. Pierre, and William Schade were challenged by the Union. With respect to the challenged ballots, the Regional Director reported that there was merit in the challenges to the ballots of Pearson, Lippert, and Honstein, respec-

¹ 54 N. L. R. B. 1351.

56 N. L. R. B., No. 176.

tively, and recommended that their ballots be considered invalid and not counted. The Regional Director further found that there was no merit in the challenge to the ballot of St. Pierre and recommended that his ballot be considered valid.

The Regional Director further found that his investigation concerning the eligibility of Schade was insufficient to determine whether the challenge to Schade's ballot had merit and recommended that a hearing be held for the taking of further evidence on this issue if the results of the election would be affected by the counting of Schade's ballot. The Regional Director further reported that he had investigated the several allegations made by the Union concerning the conduct of the employer at the time of the election and concluded that there was no evidence to support the allegations of the Union that the employer had substantially interfered with the conduct of the election. In his report the Regional Director recommended that the objections filed by the Union be overruled and that the petition for investigation and certification of representatives be dismissed.

Neither of the parties has filed any exception to the Regional Director's report. Under these circumstances, we shall adopt the findings of the Regional Director with respect to the issues noted above. On the basis of the entire record herein, we find that Edward Pearson, Al Lippert, and Harold Honstein were not eligible to vote in the election, and their ballots are hereby declared invalid. We further find that Walter St. Pierre was eligible to vote in the election, and his ballot is hereby declared valid. Since the results of the election would not be altered by the counting of the ballot of St. Pierre or the ballot of Schade, we shall make no further order concerning the ballot of either of these employees. We further find that the objections of the Union do not constitute valid and substantial objections to the conduct of the election, and the objections are hereby overruled.

Since no collective bargaining representative has been selected by a majority of employees in the unit heretofore found to be appropriate for collective bargaining, we shall dismiss the petition for investigation and certification of representatives filed herein.

ORDER

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 ORDERED that the petition for investigation and certification of representatives of employees of Vaughan Motor Company, Portland, Oregon, filed by International Association of Machinists, Local 63, be, and it hereby is, dismissed.