

In the Matter of JOHN MINDER AND SON, INC. *and* BUTCHERS UNION,
LOCAL No. 174

Case No. C-303

SUPPLEMENTAL DECISION

AND

ORDER

May 12, 1938

On April 22, 1938, the National Labor Relations Board, herein called the Board, acting pursuant to the National Labor Relations Act, 49 Stat. 449, issued its Decision and Order based thereon, against John Minder and Son, Inc.,¹ herein called the respondent, in which the respondent was ordered to cease and desist from certain unfair labor practices and to take certain affirmative action.

On April 28, 1938, the respondent filed with the Board a petition and brief in support thereof, requesting the Board to set aside certain portions of its Findings of Fact, Conclusions of Law, and Order. The Board has considered the respondent's petition and brief, and finds the request to be without merit. Accordingly, the Board hereby orders that the request to set aside any portion of its Decision and Order in the above-entitled matter be, and it hereby is, denied.

[SAME TITLE]

SECOND SUPPLEMENTAL DECISION

AND

ORDER

June 15, 1938

On April 22, 1938, the National Labor Relations Board, herein called the Board, issued its Decision and Order against John Minder and Son, Inc., herein called the respondent, in which the respondent was ordered to cease and desist from certain unfair labor practices and to take certain affirmative action. On May 12, 1938, the Board

¹ 6 N L R. B 764.

issued a Supplemental Decision denying the respondent's request to set aside certain portions of its Decision and Order.

On May 25, 1938, the respondent filed with the Board a second petition requesting that the Board reopen the hearing in the above-entitled matter for the purpose of receiving additional testimony of the respondent's foreman relating to the discharge of Ernst Schmocker.¹ The Board has considered the respondent's request and, since the foreman in question testified at length in the hearing and since there was no showing of newly discovered evidence bearing upon the issues which was either unknown or unavailable to the respondent at the time of the hearing, the Board finds the request to be without merit. Accordingly, it is ordered that the respondent's petition to reopen the hearing in the above-entitled matter be, and it hereby is, denied.

¹The Board found that the respondent's discharge of Ernst Schmocker on May 8, 1937, constituted an unfair labor practice within the meaning of Section 8 (3) of the Act.