

Brooklyn, NY

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

NEW BEST FRUIT MARKET, INC.

Employer

and

Case 29-RC-098158

LOCAL 338, RETAIL WHOLESALE &
DEPARTMENT STORE UNION, UNITED
FOOD AND COMMERCIAL WORKERS

Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered objections to an election held March 26, 2013, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 5 ballots cast for and 5 ballots cast against the Petitioner, with 3 challenged ballots, a sufficient number to affect the results.

No exceptions have been filed to the Regional Director's report within the time provided.¹ Accordingly, the Board adopts the Regional Director's findings and recommendations.²

¹ On May 29, 2013, the Petitioner filed an Exception to the Regional Director's Report on Objections and Notice of Hearing. On June 5, 2013, the Petitioner requested that its Exception be withdrawn. That request is granted.

² The Regional Director recommended that a hearing be held on issues raised by Objection No. 4, and on the eligibility of Hugo Hidalgo and Yu Guang Jiang. The Regional Director approved the request to withdraw Objections Nos. 1 and 2 and its challenge to the eligibility of Mu Yung Yi.

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 29 for further appropriate action consistent with his report.

Dated, Washington, D.C., June 11, 2013.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary