

In the Matter of LOUIS W. COURTNEY AND ELMER J. SEIDEL, D/B/A
DENVER SMOKED FISH Co., EMPLOYER *and* PRODUCE DRIVERS, WARE-
HOUSEMEN AND HELPERS LOCAL UNION No. 452, AFFILIATED WITH
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS AND
HELPERS UNION OF AMERICA, PETITIONER

Case No. 30-RC-19.—Decided July 28, 1948

DECISION
AND
ORDER

Upon a petition duly filed, a hearing was scheduled for May 26, 1948, before a hearing officer of the National Labor Relations Board. In conformity with Section 202.20 of the National Labor Relations Board's Rules and Regulations—Series 5, notice of said hearing was duly served upon the parties herein. However, neither the Petitioner nor the Employer appeared at or participated in said hearing.

We view the failure of the Petitioner to appear at said hearing as a disclaimer of interest in the representation of the employees of the Employer. Therefore, we find that no question of representation exists concerning the representation of the employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act. Accordingly, we shall dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of the Employer, filed herein, be, and it hereby is, dismissed.

CHAIRMAN HERZOG and MEMBER MURDOCK took no part in the consideration of the above Decision and Order.