

In the Matter of C. A. BRAUKMAN AND LUCILLE A. BRAUKMAN, A PARTNERSHIP, D/B/A SCREW MACHINE PRODUCTS COMPANY, EMPLOYER *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL No. 47, PETITIONER

Case No. 30-RC-82.—Decided September 24, 1948

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

I. THE BUSINESS OF THE EMPLOYER

C. A. Braukman and Lucille A. Braukman, a partnership doing business as Screw Machine Products Company, operate a machine shop at Denver, Colorado. The Employer makes, on order, small machine parts for its customers, who use the parts in their own production and assemblies.¹

The Employer purchased within Colorado all the machinery and equipment used in the business; the value of such machinery and equipment is \$35,000.² The principal raw materials used by the Employer are steel, brass, and aluminum. During 1947, the Employer purchased raw materials valued at approximately \$40,000. All of such materials were purchased from wholesale distributors located within Colorado, and were shipped to the Employer from the sellers' warehouses located within that State. All of the raw materials, however, were originally brought into Colorado from another State.³

¹ Examples of the items produced by the Employer are: parts for gun sights; parts for fishing reels and rods; parts for camera photo flood synchronizing device; pipe and hose joints and fittings; rivets; bits for horse harnesses; screws; knobs; and cams.

² The machinery and equipment was manufactured outside Colorado.

³ Frequently the raw materials used by the Employer bear the names of nationally known producers engaged in interstate commerce within the meaning of the Act.

During 1947, the Employer sold finished parts valued at approximately \$95,000. Except for two relatively unimportant sales,⁴ all parts were sold and delivered to purchasers located within Colorado. Of all such parts, "a great many" go into customers' products and assemblies which are ultimately shipped in interstate commerce.⁵

The Employer contends that it is not engaged in commerce within the meaning of the Act. Without resolving that issue, we do not believe that it would effectuate the policies of the Act to assert jurisdiction in this case, because we think that the effect of the Employer's business on interstate commerce is too remote. Accordingly, we shall dismiss the petition.

ORDER.

IT IS HEREBY ORDERED that the petition be, and it hereby is, dismissed.

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

MEMBER REYNOLDS, dissenting:

I disagree with my colleagues' conclusion that the effect of the Employer's operations on interstate commerce is too remote to warrant asserting jurisdiction in this case. The machine parts manufactured by the Employer are a vital element of the products manufactured and shipped in interstate commerce by many other concerns. Disruption of the Employers' operations by a labor dispute would directly affect the manufacture and shipment in interstate commerce of these products. Consequently, I would assert jurisdiction in this case and would direct an election.

⁴ One such sale, amounting to \$131, was shipped outside Colorado at the request of a local purchaser. The other, amounting to approximately \$700, was shipped outside Colorado when the business of a local customer was sold to an out-of-State purchaser after the order had been placed.

⁵ The records of the Board show that the Board has asserted jurisdiction over 7 of the 37 concerns cited at the hearing as purchasers of parts made by the Employer.