

**Career Systems Development Corporation and  
International Brotherhood of Painters and Al-  
lied Trades Petitioner.** Case 10-RC-13906

January 30, 1991

DECISION ON REVIEW

BY CHAIRMAN STEPHENS AND MEMBERS  
CRACRAFT AND DEVANEY

On January 23, 1990, the National Labor Relations Board, by a three-member panel, granted the Petitioner's request for review of the Regional Director's Decision and Order declining to assert jurisdiction over the Employer in accordance with the Board's decision

in *Res-Care, Inc.*, 280 NLRB 670 (1986). Having reviewed the entire record, as well as the briefs on review, the Board concludes, in agreement with the Regional Director, that the instant case is controlled by *Res-Care*, supra. Accordingly, the Regional Director's decision is affirmed and the petition is dismissed.<sup>1</sup>

CHAIRMAN STEPHENS, concurring.

I recognize that this case is controlled by the majority opinion in *Res-Care, Inc.*, 280 NLRB 670 (1986), and for institutional reasons I concur in the dismissal of the petition.

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<sup>1</sup>Member Devaney, in dismissing the petition here, notes that he dissented from his colleagues' assertion of jurisdiction in *Career Systems Development Corp.*, 301 NLRB 434 (1991).