

Northeast Ohio District Council of the United Brotherhood of Carpenters and Joiners of America, AFL-CIO and Ernest Alessio Construction Company, Inc. Case 8-CB-5733

September 22, 1993

ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On April 6, 1993, the National Labor Relations Board issued its Decision and Order in this case.¹ The Respondent has filed a motion for reconsideration, for consolidation, and for consolidated oral argument. The Board has considered the Respondent's motion, and the General Counsel's opposition. The Respondent requests that the Board recall its decision, consolidate it with *Painters District Council 51 (Manganaro Corp.)*, 5-CC-1036 et al., and reconsider its decision after oral argument in *Manganaro* on both cases jointly. Re-

¹⁰ 310 NLRB 1023.

spondent urges that the Board's decision dealt with issues of national importance on a scant record. The Board finds the record was sufficient and sees no need to consolidate this case with *Manganaro*. Therefore, the Board has decided to deny the motion as lacking in merit, and because it raises no issues not previously considered.

MEMBER DEVANEY, dissenting in part.

Contrary to my colleagues, I would grant the Respondent's motion for reconsideration of the Board's Decision and Order in this case based on my dissent therein from the majority's finding that the Respondent violated the Act. Because I have already found that the record in *Alessio* is sufficient to establish that the complaint should be dismissed, I would, however, deny as unnecessary the Respondent's request that this case be consolidated with *Painters District Council 51 (Manganaro Corp.)*, Case 5-CC-1036 et al., and I would also deny as unnecessary the request that consolidated oral argument be held.