

KI (USA) Corporation and United Automobile, Aerospace and Agricultural Implement Workers of America, UAW. Cases 9-CA-30375 and 9-RC-15842¹

March 31, 1995

**SUPPLEMENTAL DECISION, ORDER, AND
DIRECTION OF SECOND ELECTION**

**BY CHAIRMAN GOULD AND MEMBERS STEPHENS
AND TRUESDALE**

On April 30, 1993, the National Labor Relations Board issued its Decision and Order in the above-entitled proceeding.² The Board found that the Respondent violated Section 8(a)(5) and (1) of the National Labor Relations Act by refusing to bargain with the Union certified by the Board in Case 9-RC-15842 on December 16, 1992.³ Subsequently, the Board filed an

¹ The representation proceeding has been consolidated with the instant unfair labor practice proceeding in order to determine the issues in both cases.

² 310 NLRB 1233 (1993).

³ 309 NLRB 1063 (1992).

application for enforcement of its Order with the United States Court of Appeals for the Sixth Circuit.

Thereafter, on September 14, 1994, the court denied the application for enforcement of the Order and set aside the certification.⁴

The Board has delegated its authority in this proceeding to a three-member panel.

The Board having considered the matter, has decided to accept the court's decision as the law in this case.

ORDER

It is ordered that the Board's Decision and Order, dated April 30, 1993, is vacated and the complaint is dismissed in its entirety.

IT IS FURTHER ORDERED that the certification issued in Case 9-RC-15842 on December 16, 1992, is rescinded and Case 9-RC-15842 is remanded to the Regional Director for Region 9 for action consistent with the following direction.

[Direction of Second Election omitted from publication.]

⁴ *KI (USA) Corp.*, 35 F.3d 256 (6th Cir.).