

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

ALADDIN BAKERS, INC.

Employer

and

Case No. 29-RC-10214

LOCAL 348-S, UNITED FOOD AND COMMERCIAL
WORKERS UNION, AFL-CIO

Petitioner

ORDER DISMISSING PETITION

On May 20, 2004, Local 348-S, United Food and Commercial Workers Union, AFL-CIO, herein called Petitioner, filed a petition seeking an election to represent employees employed by Aladdin Bakers, Inc., herein called the Employer, in the following unit:

All full-time and regular part-time bakers, mixers, truck drivers, maintenance and production employees employed by the Employer at its 237 26th Street, Brooklyn, New York facility, excluding all clerical employees, sales personnel, guards and supervisors as defined in the Act.

On May 21, 2004, the undersigned issued a Notice of Representation Hearing scheduling a hearing for May 28, 2004.

On May 25, 2004, the Employer requested a postponement of the hearing to June 4, 2004, and Petitioner consented to this request.

On May 27, 2004, the undersigned issued an Order Rescheduling Hearing for June 4, 2004, at 9:30 a.m., in a hearing room of Region 29 of the Board.

On June 4, 2004, pursuant to said Order, a hearing convened at 9:30 a.m. before Tabitha E. Tyle, a Hearing Officer of the Board. Neither Petitioner nor its

representative appeared at the hearing. As noted above, an Order Rescheduling Hearing was served on both Petitioner and its Counsel stating the time, date and place of the hearing. In addition, calls were placed to Petitioner's Counsel on the morning of June 4, 2004, requesting Petitioner's presence at the hearing. Petitioner's Counsel indicated that he erroneously believed the hearing was scheduled to commence at 12:30 p.m. Petitioner's Counsel did not offer to immediately travel to the Regional Office to attend the hearing.

Based on the foregoing, Petitioner has failed to cooperate in the investigation of the issues raised by the petition.

IT IS HEREBY ORDERED that the petition be dismissed, without prejudice.

IT IS FURTHER ORDERED that the Notice of Hearing previously issued in this matter is withdrawn and the hearing is canceled.

Pursuant to the National Labor Relations Board's Rules and Regulations, Series 8, as amended, the Petitioner may obtain a review of this action by filing a request with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. A copy of such request for review must be served on me and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington D.C. by the close of business on June 18, 2004. Upon good cause shown, however, the Board may grant special permission for a longer period

within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C. and a copy of any such request for extension of time should also be submitted to me, and to each of the other parties to this proceeding.

Dated at Brooklyn, New York, June 4, 2004.

Alvin Blyer
Regional Director, Region 29
National Labor Relations Board
One MetroTech Center North
Brooklyn, New York 11201