

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

Williams Furnace Company

Employer

and

United Industrial & Service Workers of America

Case No. 31-RC-8682

Petitioner

and

Cabinet Makers & Millmen Industrial Carpenters, Local 721

Union

**ORDER DISMISSING PETITION
AND WITHDRAWING NOTICE OF REPRESENTATION HEARING**

Pursuant to a petition filed on February 28, 2008, a Notice of Representation Hearing issued on that same date setting a hearing for March 6, 2008, pursuant to which no hearing has yet been held.

An administrative investigation completed on March 14, 2008, disclosed that the Petitioner failed to provide a sufficient showing of interest in support of its petition. Section 11023.1 of the NLRB Casehandling Manual Part Two Representation Proceedings provides that a petitioner, in order to justify further proceedings, must demonstrate designation by at least 30 (thirty) percent of the employees in the unit it claims appropriate. Furthermore, Section 101.17 of the Board's Rules and Regulations provides that a showing of interest must be submitted within 48 hours of the filing of the petition, but in no event later than the last day a petition might timely be filed.

The Petitioner filed the instant petition on February 28, 2008. On June 15, 2005, Union and the Employer executed a contract that covers the bargaining unit, which is the subject of this petition, and that is in effect from May 1, 2005 through April 30, 2008. Thus, the last day for the Petitioner to submit the adequate showing in support of the petition was March 1, 2008. Moreover, since the administrative investigation of the showing of interest was not completed until after March 1, 2008, the Petitioner was not given an opportunity to submit an additional showing of interest.

Inasmuch as the Petition is not supported by an adequate showing of interest,

IT IS HEREBY ORDERED that the Petition be, and it hereby is, dismissed.^{1/}

IT IS FURTHER ORDERED that the Notice of Representation Hearing previously issued in this matter be, and it hereby is, withdrawn.

Dated at Los Angeles, California, on this 25th day of March, 2008.

/s/ Margaret Hume

Margaret Hume
Acting Regional Director, Region 31
National Labor Relations Board
11150 West Olympic Boulevard, Suite 700
Los Angeles, CA 90064-1824

^{1/} Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request therefore with the National Labor Relations Board, Washington, D.C. 20570. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned. This request for review must contain a complete statement setting forth the facts and reasons on which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board by close of business **Tuesday, April 8, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. A request for extension of time should be submitted to the Executive Secretary in Washington, and a copy of any such request for extension of time should be submitted to this Office and to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on this Office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board. Please go to www.nlr.gov for electronic-filing requirements.