

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1342

September Term, 2012

FILED ON: NOVEMBER 6, 2012

DAYCON PRODUCTS COMPANY, INC.,
PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD,
RESPONDENT

DRIVERS CHAUFFEURS AND HELPERS LOCAL 639,
INTERVENOR

Consolidated with 11-1402

On Petition for Review and Cross-Application for
Enforcement of an Order of the National Labor Relations Board

Before: GARLAND and BROWN, *Circuit Judges*, and EDWARDS, *Senior Circuit Judge*

J U D G M E N T

This petition for review and cross-petition for enforcement were considered on the record from the National Labor Relations Board and on the briefs submitted by the parties. *See* FED. R. APP. P. 34(a)(2); D.C. CIR. R. 34(j). The court has afforded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). It is

ORDERED and **ADJUDGED** that the petition for review be denied and the Board's cross-application for enforcement be granted.

Daycon Products Company, Inc. challenges the National Labor Relations Board's findings that Daycon violated the National Labor Relations Act, 29 U.S.C. §§ 151 *et seq.*, in its dealings with Drivers, Chauffeurs and Helpers Local Union No. 639. We hold that the Board's findings are supported by substantial evidence in the record. Daycon also raises procedural challenges to the Board's denial of certain motions. As to these, we hold that the Board did not abuse its discretion.

The Clerk is directed to withhold the issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing. *See* FED. R. APP. P. 41(b); D.C. CIR. RULE 41(a)(1).

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk