NATIONAL LABOR RELATIONS BOARD *v.* MATTISON MACHINE WORKS.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 74. Argued January 9, 1961.—Decided January 23, 1961.

The Court of Appeals erred in refusing to enforce an order of the National Labor Relations Board in a representation election solely because its notices of election contained a minor and unconfusing mistake in the employer's corporate name. Pp. 123–124.

274 F. 2d 347, reversed and cause remanded.

Norton J. Come argued the cause for petitioner. With him on the brief were *Solicitor General Rankin, Stuart Rothman, Dominick L. Manoli* and *Allan I. Mendelsohn.*

J. Warren McCaffrey argued the cause for respondent. With him on the brief was *Charles B. Cannon.*

Harold A. Katz and *Irving M. Friedman* filed a brief for the United Automobile, Aircraft & Agricultural Implement Workers of America, as *amicus curiae,* urging reversal.

PER CURIAM.

The judgment of the Court of Appeals is reversed and the case remanded to that court for the entry of a decree enforcing the Board's order. The refusal of the Court of Appeals to enforce that order because the Board's notices of election contained a minor and unconfusing mistake in the employer's corporate name, was plain error. It was well within the Board's province to find, as it did, upon the record before it that this occurrence had not affected the fairness of the representation election, particularly in the absence of any contrary showing

by the employer, upon whom the burden of proof rested in this respect. That finding should have been accepted by the Court of Appeals. In the absence of proof by the employer that there has been prejudice to the fairness of the election such trivial irregularities of administrative procedure do not afford a basis for denying enforcement to an otherwise valid Board order.