



**NATIONAL MEDIATION BOARD**

WASHINGTON, DC 20572

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34 NMB No. 37

July 25, 2007

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Re: NMB File No. C-6917/Case No. R-6605  
Capital Cargo Int'l Airlines, Inc.

Participants:

This determination addresses the request from the Airline Pilots Association International (ALPA) and the Capital Cargo Crewmember Association (CCCA) (collectively the Organizations) to transfer the certification in Case No. R-6605 from CCCA to ALPA. For the reasons discussed below, the National Mediation Board (Board) grants the request and transfers CCCA's certification in R-6605 to ALPA.

BACKGROUND

CCCA was certified to represent the Cockpit Crew Members on Capital Cargo International Airlines, Inc. (Carrier) in Case No. R-6605 (1998). In a letter dated June 8, 2007, ALPA and CCCA notified the Board of the merger of CCCA with ALPA effective June 1, 2007, and requested that the Board transfer CCCA's certification to ALPA. The Board notified the Carrier of the CCCA and ALPA request and gave the Carrier until June 25, 2007, to provide the Board with any comments. The Carrier did not submit any comments in this matter.

THE MERGER OF CCCA AND ALPA

Article 1, Section 6.A.(6) of CCCA's Constitution and By-laws gives CCCA's Executive Council the authority to enter into mergers subject to membership ratification. In February 2007, CCCA's Executive Council initially approved a proposed Merger Agreement between CCCA and ALPA. On March 28, 2007, CCCA mailed ballots to its members regarding CCCA's proposed merger with ALPA. ALPA's Executive Council gave initial approval to the Merger Agreement at its Executive Council Meeting held April 24-26, 2007.

The CCCA Election and Ballot Certification Board tallied the ballots on April 30, 2007, and reported the following results on May 24, 2007:

98 ballots sent to crewmembers  
 82 ballots returned  
 81 votes for [the merger with ALPA]  
 1 vote against

Following the ratification vote, CCCA and ALPA signed the Merger Agreement during ALPA's May 22-24, 2007 Executive Council meeting. The merger of the two organizations became effective June 1, 2007.

DISCUSSION

The Railway Labor Act\* requires only that the Board investigate a transfer of certification based on a union merger rather than mandating any procedures for such an investigation. *Continental Airlines, Inc., v. Nat'l Mediation Brd.*, 793 F. Supp. 330 (D.D.C. 1991), *aff'd mem.*, 957 F.2d 911 (D.C. Cir. 1992), *cert. denied*, 506 U.S. 827 (1992).

In most instances, the Board grants a transfer request based upon assertions contained in the request letters. *St. Lawrence & Atlantic R.R., Inc.*, 32 NMB 49 (2004); *Consolidated Rail Corp.*, 28 NMB 30 (2000); *Big Sky Transp. Co.*, 25 NMB 376 (1998); *Desert Sun Airlines*, 24 NMB 137 (1997); *Northwest Airlines*, 18 NMB 446 (1991); *Transtar Airlines*, 14 NMB 377 (1987). The Board views an organization's decision to merge into another organization as an internal union matter and will grant requests for transfers of certification based on union mergers unless there is evidence of fraud or gross abuse in the merger or election. *Northwest Airlines, above*, at 448.

There is no evidence of fraud or gross abuse in the merger or election process in this case. In accordance with its Constitution and By-laws, CCCA members voted by secret ballot to merge with ALPA. Ballots were returned by

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\* 45 U.S.C. §151, *et seq.*

approximately 84 percent of the eligible members and, of those voting, 99 percent voted in favor of the merger. Based on its investigation, the Board finds that CCCA has merged with ALPA. The Board's records are revised to reflect the transfer of the certification issued to CCCA in NMB Case No. R-6605 to ALPA.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson  
General Counsel