

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

NOTICE OF DENIAL OF PETITION OF THE SOUTHERN PECAN SHELLING COMPANY OF SAN ANTONIO, TEXAS, FOR REVIEW OF THE DETERMINATION DENYING APPLICATIONS FOR THE EMPLOYMENT OF LEARNERS IN THE PECAN SHELLING INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT.

WHEREAS, the Southern Pecan Shelling Company and sundry other parties applied pursuant to Title 29 Code of Federal Regulations Chapter V Part 522 for permission to employ learners in the pecan shelling industry at wages lower than the applicable minimum wage rate of 25¢ an hour specified in Section 6 of the Fair Labor Standards Act; and

WHEREAS, a public hearing on the applications was held in San Antonio, Texas, on December 19, 20 and 21, 1938 before Merle D. Vincent, a representative of the Administrator of the Wage and Hour Division of the Department of Labor, who was duly authorized to hear evidence and decide the question of whether the applications should be granted; and

WHEREAS, the said Merle D. Vincent, on the basis of evidence presented at the said hearings issued the following findings on January 19, 1939:

- "(a) That it is not necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment of learners in the pecan shelling industry at wages lower than the minimum wage applicable under Section 6; and

(b) That the Administrator is therefore not authorized by Section 14 of the Act to provide by regulations or orders for the employment of learners in the pecan shelling industry at wages lower than the minimum wage applicable under Section 6 of the Act,"

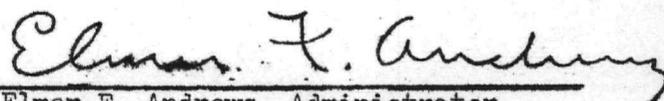
and therefore determined that the applications should be denied; and

WHEREAS, the Southern Pecan Shelling Company pursuant to Title 29 Code of Federal Regulations Chapter V Part 522.9 has submitted a petition requesting a review of the said determination; and

WHEREAS, upon due examination and consideration of petitioner's request for review and the record of the proceedings in the matter of the applications for permission to employ learners in the pecan shelling industry I have determined that the ultimate findings of the Presiding Officer are supported by the evidence in the record and that the findings required the denial of the applications:

NOW, THEREFORE, notice is given that petitioner's request for review of the determination denying the applications to employ learners in the pecan shelling industry at wage rates lower than the applicable minimum wage rate of 25¢ an hour specified in Section 6 of the Act is hereby denied.

Signed at Washington, D. C. this 10th day of March, 1939.



Elmer F. Andrews, Administrator  
Wage and Hour Division  
Department of Labor