

**Atlantic Business and Community Development Corporation, d/b/a WUSS Radio and American Federation of Television and Radio Artists, Philadelphia Local. Case 4-CA-8416**

January 26, 1981

**SUPPLEMENTAL DECISION AND ORDER**

**BY CHAIRMAN FANNING AND MEMBERS  
JENKINS AND TRUESDALE**

On November 9, 1978, the National Labor Relations Board issued an order<sup>1</sup> adopting, in the absence of exceptions, the Decision of the Administrative Law Judge in Case 4-CA-8416 directing Respondent Atlantic Business and Community Development Corporation, d/b/a WUSS Radio, its officers, agents, successors, and assigns, to, *inter alia*, make employee Ansel V. Bartley whole for any loss of pay suffered by reason of Respondent's discrimination against him. On April 23, 1980, the Board's Order was enforced by the United States Court of Appeals for the Third Circuit. A controversy having arisen over the amount of backpay due under the terms of the Order, the Acting Regional Director for Region 4, on August 26, 1980, issued and duly served on Respondent a backpay specification and notice of hearing alleging the amount of backpay due, and notified Respondent that it should file a timely answer complying with the Board's Rules and Regulations, Series 8, as amended. Respondent did not file an answer to the backpay specification. On November 5, 1980, counsel for the General Counsel filed with the Board a Motion for Summary Judgment based upon the failure of Respondent to file an answer to the backpay specification as required by Section 102.54(a) of the Board's Rules and Regulations. The Board, on November 18, 1980, issued an order transferring the proceeding to the Board and a Notice To Show Cause why the General Counsel's motion should not be granted. Respondent has not filed any response to the Notice To Show Cause.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>1</sup> Not reported in volumes of Board Decisions.

Upon the entire record in this proceeding, the Board makes the following:

**Ruling on the Motion for Summary Judgment**

Section 102.54 of the Board's Rules and Regulations provides in pertinent part, as follows:

(a) . . . The respondent shall, within 15 days from the service of the specification, if any, file an answer thereto. . . .

\* \* \* \* \*

(c) . . . If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without notice to the respondent, find the specification to be true and enter such order as may be appropriate. . . .

Respondent has failed to file an answer to the backpay specification and has made no response to the Notice To Show Cause. Therefore, the motion to find the backpay specification true is granted and the obligations of the backpay specification are deemed to be admitted pursuant to Section 102.54(c) of the Board's Rules and Regulations. Accordingly, we find that the allegations of the specification are deemed to be admitted as true, and that the net amount of backpay due is as stated in the computation in the specification. We shall order payment thereof.<sup>2</sup>

**ORDER**

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondent, Atlantic Business and Community Development Corporation, d/b/a WUSS Radio, Atlantic City, New Jersey, its officers, agents, successors, and assigns, shall make whole discriminatee Ansel V. Bartley by paying to him the amount of \$2,863, plus interest to be computed in the manner specified in *Florida Steel Corporation*, 231 NLRB 651 (1977), until payment of all backpay due, less tax withholdings required by Federal and state laws.

<sup>2</sup> We hereby correct an apparent inadvertent error in par. 4 of the backpay specification, to show the amount of net backpay due Bartley in the amount of \$58 for the first quarter of 1976 to be read as due for the fourth quarter of 1976.