

**Ward Products Corporation and Local 56, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO.** Cases 22-CA-7589 and 22-CA-7616

January 5, 1979

### SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN FANNING AND MEMBERS JENKINS  
AND MURPHY

On January 9, 1978, the National Labor Relations Board issued an Order adopting, in the absence of exceptions, the Decision of the Administrative Law Judge in Cases 22-CA-7589 and 22-CA-7616, directing Respondent, its officers, agents, successors, and assigns, *inter alia*, to offer reinstatement to and make whole 26 employees for loss of pay suffered by reason of Respondent's discrimination against them. A controversy having arisen over the amounts of backpay due the discriminatees under the terms of the Board's Order, the Acting Regional Director for Region 22, on July 14, 1978, issued and duly served on Respondent a backpay specification and notice of hearing, alleging the amount of backpay due the discriminatees under the Board's Order and notifying Respondent that it shall file a timely answer which must comply with the Board's Rules and Regulations. On July 25, 1978, Respondent requested that the time for filing its answer be extended to September 15, 1978. The Regional Director, on July 27, 1978, issued an order extending the time for Respondent to file its answer to September 1, 1978. Respondent did not file an answer before that date.

On September 18, 1978, counsel for the General Counsel filed directly with the Board in Washington, D.C., a Motion for Summary Judgment based upon Respondent's failure to file an answer to the specification. On September 15, 1978, Respondent filed a special appeal to the Board opposing the filing of the Motion for Summary Judgment. The Board, on September 22, 1978, issued an order transferring proceeding to the Board and Notice To Show Cause why the General Counsel's motion should not be granted. On September 29, 1978, Respondent filed its answer to the backpay specification and on October 5, 1978, it filed a response to 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.

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 . . . .

(b) . . . 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 asserts, as an explanation for the lateness of the answer, that its representative inadvertently recorded the extension date as October 1, 1978. It also contends that a further extension of time to allow its answer would not prejudice any of the parties.

We deny Respondent's special appeal opposing the filing of the Motion for Summary Judgment. Respondent was offered ample time in which to answer the allegations of the backpay specification, but failed to do so. The answer filed on September 29, 1978, was well beyond the extended due date established by the Regional Director in response to Respondent's request for additional time and even well beyond the time requested. Respondent has failed to show sufficient cause justifying late filing of its answer. Therefore, the motion to find the backpay specification true is granted, and the allegations of the backpay specification are deemed to be admitted and we so find, pursuant to Section 102.54(c) of the Board's Rules and Regulations.

Accordingly, the Board finds, on the basis of the allegations of the backpay specification, the facts as set forth therein, concludes that the net backpay due each of the discriminatees is as stated in the specification, and orders that payment thereof be made by Respondent to each discriminatee named below.

### ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that Respondent Ward Products Corporation, South Amboy, New Jersey, its officers, agents, successors, and assigns, shall make whole each of the discriminatees named below by payment to each of them the amounts set forth adjacent to their names, plus interest to be computed in the manner specified in *Florida Steel Corporation*, 231

## WARD PRODUCTS CORPORATION

1215

NLRB 651 (1977), until payment of all backpay due,  
less tax withholding required by Federal and state  
laws:

Betty Anderson	\$761.08	Frances Keegan	1,525.88
Doris Bacsoka	1,337.80	June Luiz	1,439.63
George Bongiorno	1,676.99	Theadora Luiz	1,134.31
Janet Bilderbeck	\$737.64	Jean Mancini	1,469.97
Laurie Christensen	718.61	Michael Masterson	2,170.08
Elaine Collins	1,430.08	Rose Paladino	1,326.47
Eileen Coman	1,306.56	Smita Patel	1,453.45
Caroline Demler	815.92	Natalie Rabucha	1,1515.41
Karen Demler	1,642.36	Barbara Reynolds	134.14
Sandra DiGiovanni	1,590.36	Angela Sabatino	1,396.43
Ruth Grenier	1,223.97	Julie Sandor	755.30
		Judith Smiles	559.26
		Shari Spada	608.62
		Mary Verchick	1,424.58
		Helen Wyszynski	1,574.40