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**Local 235, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO (American Axle) and Anthony Forsythe.** Case 7-CB-12150

January 31, 2000

DECISION AND ORDER

BY MEMBERS LIEBMAN, HURTGEN, AND BRAME

Upon a charge filed by Anthony Forsythe on July 21, 1999, the General Counsel of the National Labor Relations Board issued a complaint on September 30, 1999, against Local 235, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, the Respondent, alleging that it has violated Section 8(b)(1)(A) of the National Labor Relations Act. Although properly served copies of the charge and complaint, the Respondent failed to file an answer.

On December 6, 1999, the General Counsel filed a Motion for Summary Judgment with the Board. On December 9, 1999, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Summary Judgment

Sections 102.20 and 102.21 of the Board's Rules and Regulations provide that the allegations in the complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively notes that unless an answer is filed within 14 days of service, all the allegations in the complaint will be considered admitted. Further, the undisputed allegations in the Motion for Summary Judgment disclose that the Region, by letter dated October 21, 1999, notified the Respondent that unless an answer were received by October 29, 1999, a Motion for Default Summary Judgment would be filed.

In the absence of good cause being shown for the failure to file a timely answer, we grant the General Counsel's Motion for Summary Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, American Axle & Manufacturing Inc. (the Employer), a corporation with an office and place of business at 1840 Holbrook Avenue, Detroit,

Michigan, has been engaged in the manufacture and non-retail distribution of automobile parts. During the calendar year ending December 31, 1998, a representative period, the Employer, in the course of its business operations described above, manufactured, sold, and shipped goods and materials valued in excess of \$50,000 directly from its Michigan facilities to customers located outside of the State of Michigan. We find that the Employer is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Respondent is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

At all material times, the individuals listed below have held the positions listed opposite their names and have been agents of the Respondent within the meaning of Section 2(13) of the Act:

Wendy Thompson	President
Jerry Richardson	Shop Chairman
Thomas Lowe	Shop Committeeman (retired)

On about July 21, 1999, Charging Party Anthony Forsythe, by letter, requested that the Respondent provide him with a copy of the grievance that he had filed with respect to his termination in March 1995 by the Employer, and all material in the Respondent's possession relating to the grievance.

Since about July 21, 1999, the Respondent has failed and refused to provide Forsythe with the above-described requested information.

CONCLUSION OF LAW

By the acts and conduct described above, the Respondent has restrained and coerced employees in the exercise of rights guaranteed in Section 7 of the Act, and has thereby engaged in unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(A) and Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent has violated Section 8(b)(1)(A), we shall order it to provide Anthony Forsythe with a copy of the grievance that he had filed with respect to his termination in March 1995 by the Employer, and all material in the Respondent's possession relating to the grievance.

ORDER

The National Labor Relations Board orders that the Respondent, Local 235, International Union, United Automobile, Aerospace and Agricultural Implement

Workers of America (UAW), AFL–CIO, Detroit, Michigan, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Failing and refusing to provide employees with copies of grievances that they file and all material in its possession relating to those grievances.

(b) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Provide Anthony Forsythe with a copy of the grievance that he had filed with respect to his termination in March 1995 by American Axle & Manufacturing Inc., and all material in the Respondent's possession relating to the grievance.

(b) Within 14 days after service by the Region, post at its business offices and meeting places, copies of the attached notice marked "Appendix."<sup>1</sup> Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced or covered by any other material.

(c) Furnish the Regional Director for Region 7 signed copies of the notice for posting by American Axle & Manufacturing Inc., if willing, in places where notices to employees are customarily posted.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

<sup>1</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Dated, Washington, D.C. January 31, 2000

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Wilma B. Liebman, Member

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Peter J. Hurtgen, Member

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J. Robert Brame III, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

#### APPENDIX

NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT fail and refuse to provide employees with copies of grievances that they file and all material in our possession relating to those grievances.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL provide Anthony Forsythe with a copy of the grievance that he filed with respect to his termination in March 1995 by American Axle & Manufacturing Inc., and all material in our possession relating to the grievance.

LOCAL 235, INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA (UAW),  
AFL–CIO