

Action Temporary Employment a/k/a Action Multi-Craft and Local Union 654, International Brotherhood of Electrical Workers AFL-CIO and Local Union 313, International Brotherhood of Electrical Workers AFL-CIO. Cases 4-CA-23898, 4-CA-24026, 4-CA-23974, and 4-CA-24001

September 25, 2006

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS SCHAUMBER, KIRSANOW, AND WALSH

The General Counsel seeks a default judgment in this case on the ground that the Respondent has failed to file an answer to the compliance specification.

On December 20, 2001, the Board issued a Decision and Order¹ that, among other things, ordered the Respondent to make whole 20 named discriminatees for any loss of earnings they may have suffered as a result of the Respondent's unfair labor practices in violation of Section 8(a)(3) and (1) of the Act. Subsequently, the United States Court of Appeals for the District of Columbia Circuit entered its default judgment enforcing in full the Board's Order.

A controversy having arisen over the amounts of backpay due the discriminatees, on June 30, 2006, the Regional Director issued a compliance specification and notice of hearing alleging the amounts due under the Board's Order.² The compliance specification notified the Respondent that it should file an answer by July 21, 2006, complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated July 25, 2006, the Region advised the Respondent that no answer to the compliance specification had been received and that unless an answer was filed by July 31, 2006, a motion for default judgment would be filed pursuant to Section 102.56 of the Board's Rules and Regulations, a copy of which was enclosed. The Respondent did not thereafter file an answer.

On August 7, 2006, the General Counsel filed with the Board a Motion for Default Judgment, with exhibits attached. On August 9, 2006, 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 did not file a response. The allegations in the motion and in the compliance specification are therefore undisputed.

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

Ruling on the Motion for Default Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that a respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) provides that if the respondent fails to file an 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 further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Default Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Default Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order the Respondent to pay those amounts to the discriminatees, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Action Temporary Employment a/k/a Action Multi-Craft, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest accrued to the date of payment, as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and State laws:

William Bryant	\$ 2,621.08
William Harold Jones	1,139.16
Robert Lange, Jr.	3,619.32
Robert Matsinger	2,452.89
Daniel Minnick, Jr.	440.00
TOTAL BACKPAY:	\$10,272.45

¹ 337 NLRB 268.

² Although the Board's Order named 20 discriminatees, the compliance specification alleges that only 5 individuals are owed backpay under the Board's Order: William Bryant, William Harold Jones, Robert Lange, Jr., Robert Matsinger, and Daniel Minnick, Jr. The compliance specification states that these individuals are the five discriminatees who should have been hired to fill the positions at issue in the underlying unfair labor practice case.