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Greensburg Manufacturing, LLC and International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, UAW. Case 25–CA–30467

June 24, 2009

DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBER SCHAUMBER

On June 11, 2008, the National Labor Relations Board¹ issued an unpublished Order in this proceeding, adopting the findings and conclusions in the administrative law judge’s decision in the absence of exceptions and ordering the Respondent, among other things, to remedy its unlawful refusal to bargain about the effects of a plant closing by paying backpay to bargaining unit employees who had been laid off as a result of the closing.

A controversy having arisen over the amounts due under the Board’s Order, on November 28, 2008, the Regional Director for Region 25 issued a compliance specification and notice of hearing alleging the amounts due under the Board’s Order, and notifying the Respondent that it should file a timely answer complying with the Board’s Rules and Regulations.

On January 5, 2009, the Respondent filed an answer to the compliance specification. In its answer, the Respondent admitted allegations in paragraphs 2 through 6 of the specification, and it denied paragraphs 1 and 7 through 37 of the compliance specification. The Respondent also asserted two affirmative defenses: (1) that paragraphs 7 through 37 failed to account for interim earnings of the employees formerly employed by the Respondent; and (2) that the specification provided back-

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board’s powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Snell Island SNF LLC v. NLRB*, ___ F.3d ___, 2009 WL 1676116 (2d Cir. June 17, 2009); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. May 1, 2009), petition for cert. filed ___ U.S.L.W. ___ (U.S. May 27, 2009) (No. 08-1457); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), rehearing denied No. 08-1878 (May 20, 2009). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for rehearing filed Nos. 08-1162, 08-1214 (May 27, 2009).

pay for former employees who were not employed at the time the Respondent’s plant closed.

On February 20, 2009, the Regional Director issued an amended compliance specification and notice of hearing, which included interim earnings of employees formerly employed by the Respondent. On February 27, 2009, the Respondent filed an answer admitting all 37 allegations in the amended specification and raising no affirmative defenses.

On May 13, 2009, the General Counsel filed with the Board a Motion for Judgment on the Pleadings, with exhibits attached. The motion asserted that judgment on the pleadings should be granted because the answer filed admitted all the allegations set forth in the amended compliance specification and raised no affirmative defenses.

On May 18, 2009, 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.

Ruling on Motion for Judgment on the Pleadings

Section 102.56(a) of the Board’s Rules and Regulations provides that a respondent shall file an answer within 21 days from the service of a compliance specification. Section 102.56(b) of the Board’s Rules and Regulations provides that the answer shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial.

In the instant case, the Respondent’s answer to the amended compliance specification admitted all of the allegations in the compliance specification, including the allegations that the Respondent owes certain amounts of backpay to each of 30 listed individuals. Accordingly, we find the allegations in the amended compliance specification to be admitted as true. Absent any material issue of fact or law, we grant the General Counsel’s Motion for Judgment on the Pleadings. We accordingly conclude that the backpay owed to the laid-off unit employees is as stated in the amended compliance specification, and we will order payment by the Respondent.

ORDER

The National Labor Relations Board orders that the Respondent, Greensburg Manufacturing, LLC, Greensburg, Indiana, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholding required by Federal and State laws:

DECISIONS OF THE NATIONAL LABOR RELATIONS BOARD

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Christie Hannum	927.20
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Sarah Lynch	4,379.86
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Deborah Weston	4,302.56
Theresa (Compos) Wiley	4,229.19
Patty Yeager	1,851.59
Anthony Young	1,809.97
Total	\$92,237.55

Dated, Washington, D.C. June 24, 2009

Wilma B. Liebman,	Chairman
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Peter C. Schaumber,	Member
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