

**Air Tech Services, Inc. and Local No. 9, Plumbers  
and Pipefitters Association. Case 22-CA-21544**

June 10, 1997

**ORDER DENYING RECONSIDERATION**

**BY CHAIRMAN GOULD AND MEMBERS FOX AND  
HIGGINS**

On March 26, 1997, the National Labor Relations Board issued a Decision and Order in the above-entitled proceeding<sup>1</sup> in which the Board granted the General Counsel's Motion for Summary Judgment, based on the Respondent's failure to file an answer, and found that the Respondent had threatened its employees and discharged the discriminatee in violation of Section 8(a)(1) and (3) of the Act as alleged in the complaint. The Board directed the Respondent, *inter alia*, to cease and desist from threatening or discharging its employees and to offer reinstatement to the discriminatee and make him whole for any loss of earnings and other benefits suffered as a result of the discrimination against him.

On April 28, 1997, the Respondent's vice president filed a request for reconsideration stating, *inter alia*, that the Respondent has always denied the allegations,

<sup>1</sup> 323 NLRB No. 49.

that he cooperated in the investigation and thought that his affidavit would be sufficient, that he did not realize how severe the situation was and that he should have retained an attorney, that he never fired the discriminatee from his position, and that he would have no problem with offering the discriminatee his job back if he wanted to return.

On May 28, 1997, the General Counsel filed an opposition to the request contending that the Respondent has failed to show good cause for its failure to file an answer.

Having duly considered the matter, in agreement with the General Counsel, we find that the request for reconsideration should be denied. The Respondent was notified of the obligation to file an answer in both the complaint and a subsequent letter from the Region, which clearly stated that a Motion for Summary Judgment would be filed if no answer were filed. Moreover, the Respondent was subsequently served with both the motion and a Notice to Show Cause advising it of the deadline for filing a response to the Motion for Summary Judgment. In these circumstances, we find that the Respondent has shown no valid reason for its failure to file an answer to the complaint. See *Clean & Shine*, 255 NLRB 1144 (1981). Accordingly,

IT IS ORDERED that the Respondent's request for reconsideration is denied.