

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

FOUR WINDS SERVICES, INC.

and

Case 9-CA-062287

GENERAL TRUCK DRIVERS,
WAREHOUSEMEN HELPERS, SALES
AND SERVICE AND CASINO EMPLOYEES,
TEAMSTERS LOCAL UNION NO. 957

MEMORANDUM IN SUPPORT
OF
MOTION FOR DEFAULT JUDGMENT

Upon a charge filed by the General Truck Drivers, Warehousemen, Helpers, Sales and Service and Casino Employees, Teamsters Local Union No. 957, herein called the Union, alleging that Four Winds Services, Inc., herein called Respondent, has engaged in, and is engaging in certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, the Acting General Counsel of the National Labor Relations Board, herein called the Board, on behalf of the Board, by the Regional Director for Region 9, pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, issued an Order Consolidating Complaint and Compliance Specification and Notice of Hearing, dated October 21, 2011, against Respondent alleging violations of Section 8(a)(1) and (5) of the Act. (A copy is attached to the Motion for Default Judgment as Exhibit A.)

As alleged in paragraphs 5 and 6 of the consolidated complaint and compliance specification, since about January 2006, and at all material times since January 2006, based on

Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the following employees alleged in the Unit: “All fuels specialist personnel employed by (Respondent) at Wright Patterson Air Force Base, Fairborn, Ohio excluding all office clerical employees, all professional employees, guards, lab technicians and supervisors as defined in the Act.” Further, paragraph 4 of the consolidated complaint and compliance specification alleges that since about May 1, 2011, Respondent has failed to remit to the Union union dues deducted from employees’ paychecks in accordance with the provisions of the applicable collective-bargaining agreement, and has failed to make weekly contributions to the Union’s Ohio Conference of Teamsters & Industry Health and Welfare Fund, as provided in the provisions of the applicable collective-bargaining agreement. Lastly, the consolidated complaint and compliance specification alleges that since about July 15, 2011, Respondent has failed to pay employees their accrued vacation pay as provided in the provisions of the applicable collective-bargaining agreement.

The Order Consolidating Complaint and Compliance Specification and Notice of Hearing was served on Respondent on October 21, 2011, and notified Respondent that it had an obligation to timely file an answer on or before November 11, 2011, or postmarked on or before November 10, 2011. Respondent was further notified that under Sections 102.20 and 102.21 and 102.56(b) of the Board’s Rules and Regulations, if no answer was filed, as required by the Board’s Rules, the Board may find that pursuant to a Motion for Default Judgment, the allegations of the consolidated complaint and compliance specification would be deemed to be true and preclude Respondent from introducing any evidence controverting those allegations.

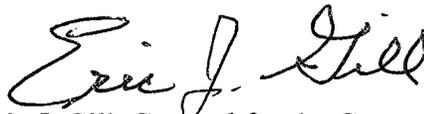
As no answer was received from Respondent within the time periods prescribed, the undersigned notified Respondent and its representatives on November 14, 2011, by letter, of its

obligation to file an answer to the consolidated complaint and compliance specification and further advised Respondent that unless it filed an answer by November 21, 2011, the undersigned would file a Motion for Default Judgment with the Board seeking to have the allegations of the consolidated complaint and compliance specification deemed to be admitted as true. (A copy of the letter is attached hereto as Exhibit A.)

Inasmuch as Respondent has not filed an answer as required by the Board's Rules within the time prescribed and has not given any reason why it has not done so, Counsel for the Acting General Counsel's Motion for Default Judgment should be granted. It is well settled that if a party charged with an unfair labor practice in a complaint fails to file an answer within the time and in the manner prescribed by the Board's Rules, all allegations in the complaint are deemed to be admitted to be true and may be found by the Board and judgment may be rendered on the basis of the complaint alone. *Bay Recycling, Inc.*, 292 NLRB 1293 (1989); *Thermo, Inc.*, 291 NLRB No. 26 (1988); *Mutual Redevelopment Houses, Inc.*, 283 NLRB No. 173 (1987); *Neal B. Scott Commodities, Inc.*, 238 NLRB 21 (1978); *In Re I.C.E. Elec., Inc.*, 339 NLRB 247 (2003).

Dated at Cincinnati, Ohio this 22nd day of November 2011.

Respectfully submitted,



Eric J. Gill, Counsel for the General Counsel
Region 9, National Labor Relations Board
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Attachment



NATIONAL LABOR RELATIONS BOARD

Region 9
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686
Facsimile: (513) 684-3946

November 14, 2011

Roberta Carver-Carson
Four Winds Services Inc.
20510 E. County Road 159
Altus, Oklahoma 73521-8321

Corporation Service Company
887 S. High Street
Columbus, Ohio 43206-2523

Corporation Service Company
115 SW 89th Street
Oklahoma City, Oklahoma 73139-8511

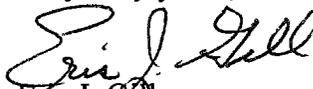
Re: FOUR WINDS SERVICES, INC.
Case 9-CA-066287

Dear Ms. Carver-Carson:

This letter is to notify you that this office has not received an answer to the Order Consolidating Complaint, Compliance Specification and Notice of Hearing issued on October 21, 2011. As stated in the Consolidated Complaint and Compliance Specification, your answer was due on or before November 11, 2011. Under the Board's Rules and Regulations, failure to file an answer to the Complaint and Compliance Specification may result in the filing of a motion for default judgment with the Board. Sections 102.20, 102.21 and 102.54. Accordingly, this letter is to advise you that unless an answer has been filed by November 21, 2011, I will file a motion for default judgment with the Board for your failure to file an answer in this case.

If you have any questions about the above, you can call me directly at (513) 684-3630.

Very truly yours,


Eric J. Gill
Attorney