

**Lea Carr Mfg. Corporation and Joint Board,  
Cloak, Skirt and Dressmakers' Union, a/w  
International Ladies' Garment Workers Union,  
AFL-CIO.** Case 1-CA-26403

February 28, 1991

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS CRACRAFT, DEVANEY, AND  
RAUDABAUGH

On November 21, 1989, the National Labor Relations Board issued a Decision and Order in this proceeding<sup>1</sup> in which it, inter alia, ordered the Respondent make whole the benefit funds for the contractually required contributions that the Respondent unlawfully failed to make. On April 19, 1990, the United States Court of Appeals for the First Circuit entered a judgment enforcing the Board's Order. A controversy having arisen over the amounts of money owed under the terms of the Board's Order, as enforced by the court, the Regional Director for Region 1 on July 18, 1990, issued a compliance specification and notice of hearing. Subsequently, the Respondent timely filed an answer and an amended answer to the compliance specification that admits all allegations in the compliance specification, except that it asserts that the amount of its debt should be reduced by \$5000, which is the sum it has paid to the Union since May 1, 1990.

On January 11, 1991, the General Counsel filed with the Board a Motion to Transfer Proceeding to the Board and for Summary Judgment, with exhibits attached. The General Counsel contends that the Respondent's answer and amended answer raises no lit-

igable issues and urges that summary judgment be granted as to all matters contained in the compliance specification with credit given to the Respondent for any interim payments. On January 16, 1991, the Board issued an order transferring proceedings to the Board and Notice to Show Cause why the General Counsel's motion should not be granted. The Respondent did not file a response.

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

On the entire record in this case, the Board makes the following

Ruling on the Motion for Summary Judgment

The Respondent's answer and amended answer admits that it is liable for the contributions owed to the benefit on behalf of the employees provided that it is credited for the sum of \$5000 which it has paid. The General Counsel requests that summary judgment be granted as to all matters contained in the compliance specification with credit given to the Respondent for any interim payments made that are not reflected in the specification. In the absence of any issue with respect to the amount in controversy, we grant the General Counsel's Motion for Summary Judgment.

ORDER

The National Labor Relations Board orders that the Respondent, Lea Carr Mfg. Corporation, Boston, Massachusetts, its officers, agents, successors, and assigns, shall remit the benefit funds contributions to the benefit funds as alleged in the compliance specification with credit given to the Respondent for any interim payments that are not reflected in the specification.

<sup>1</sup> 297 NLRB No. 48 (not published in Board Volumes).