

Famous Castings Corp. and Additional Respondents Colonial Metal Stamping Corp.; A & T Castings Corp.; Colonial Metal Spinning and Stamping Co., Inc., and Regency Metal Stamping Co., Inc. and Local 1430, International Brotherhood of Electrical Workers, AFL-CIO and United Production Workers' Union, Local 17-18, Party to the Contract

United Production Workers' Union, Local 17-18 and Local 1430, International Brotherhood of Electrical Workers, AFL-CIO. Cases 29-CA-13996, 29-CA-14114, and 29-CB-7184

July 29, 1992

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On January 29, 1991, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering Famous Castings Corp.,² Respondent Employer, its officers, agents, successors, and assigns, and United Production Workers' Union, Local 17-18, the Respondent Union, its officers, agents, and representatives, to jointly and severally reimburse Respondent Employer's past and present employees at its Long Island City, New York facility for all dues and fees withheld from their pay pursuant to the collective-bargaining agreement between the Respondent Employer and the Respondent Union, with interest. On September 11, 1991, the United States Court of Appeals for the Second Circuit entered a judgment enforcing the Board's Order.³

A controversy having arisen over the amount of backpay due the employees, on January 31, 1992, the Regional Director for Region 29 issued a backpay specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent Employers that they should file a timely answer complying with the Board's Rules

and Regulations. Although properly served with a copy of the backpay specification, the Respondent Employers have failed to file an answer.

On May 18, 1992, counsel for the General Counsel advised the Respondent Employers and their counsel that no answer to the backpay specification had been received and that unless an appropriate answer was filed by May 28, 1992, summary judgment would be sought. The Respondent filed no answer.⁴

On June 19, 1992, the General Counsel filed with the Board a Motion for Summary Judgment where Respondent has failed to file an answer, with exhibits attached. On June 24, 1992, 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 Employers again filed no response. The allegations in the motion and in the backpay 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 Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any 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 Summary Judgment, the Respondent Employers, despite having been advised of the filing requirements, have failed to file an answer to the compliance specification. In the absence of good cause for the Respondent Employers' failure to file an answer, we deem the allegations in the backpay specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amounts due the employees is as stated in the back-

¹ 301 NLRB No. 56.

² At all times material, Famous Castings, Inc., Colonial Metal Stamping Corp., A & T Castings Corp., Colonial Metal Spinning and Stamping Co., Inc., and Regency Metal Stamping Co., Inc. (Respondent Employers or the Corporations), have been corporations duly organized under, existing by virtue of, the laws of the State of New York.

The corporations are, and have been at all times material affiliated businesses with common officers, ownership, directors and operators, and constitute a single integrated business enterprise. The directors and operators formulate and administer a common labor policy for the companies affecting the employees of the companies.

Since on or about October 1, 1990, the corporations have been engaged in the same or related business as Respondent Famous, at different locations, and have employed the same management personnel as had been employed by Respondent Famous. The corporations are, and have been the alter egos of, and have been, and are, the successors to Respondent Famous.

³ Respondent Union has complied with the Board Order and reimbursed all dues and fees which it recovered from Respondent Famous Castings, Inc., on behalf of the claimants and others.

⁴ On June 11, 1992, Respondent Employers' counsel advised counsel for the General Counsel that no answer would be filed and that Respondent Employers had reimbursed the employees for the amounts due. Counsel further advised the Respondent Employers had no receipts for such reimbursement.

pay specification and we will order payment by the Respondent Employers to the employees.⁵

ORDER

The National Labor Relations Board orders that the Respondent Employers, Famous Castings Corp., Colonial Metal Stamping Corp., A & T Castings Corp., Colonial Metal Spinning & Stamping Co., Inc., and Regency Metal Stamping Co., Inc., their officers, agents, successors, and assigns, shall reimburse the employees named below for all dues and fees withheld from their pay by paying them the amounts set forth below, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws:

⁵ Respondent Employers will, of course, be credited with any payments to employees that Respondent Employers are able to establish that they have made.

Jeanine Altenor	\$39.00
Francisco Alvarez	39.00
Sonnyboy Bal	39.00
Willie Billups	39.00
Leroy Bustt	39.00
Maxon Cermot	39.00
Cassius Colassaint	39.00
Delinor Dorissaint	39.00
Rolando Gilfillen	39.00
Ataollah Golpariane	39.00
Juan Gonzalez	39.00
Robert Johnson	39.00
Clarence Jones	39.00
Gerardo Perez	39.00
Youenarime Rajkumar	39.00
Kishorn Ramlagan	39.00
Manuel Sanchez	39.00
Jose Semidy	39.00
Jean Ramon Turene	39.00
Emile Victor	39.00