

Schien Body & Equipment Co., Inc. and United Steelworkers of America, Local No. 8557, AFL-CIO-CLC. Case 14-CA-22012

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On October 29, 1992, the National Labor Relations Board issued a Decision and Order, inter alia, ordering Schien Body & Equipment Co., Inc. to make whole certain of its unit employees for loss of benefits resulting from the Respondent's unilateral reduction of insurance coverage in violation of the National Labor Relations Act. On March 10, 1992, the United States Court of Appeals for the Seventh Circuit issued its judgment enforcing the Board's Order.

A controversy having arisen over the amount due, on June 3, 1993, the Regional Director for Region 14 issued a compliance specification and notice of hearing alleging the amount 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. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.

By letter dated June 25, 1993, the Regional Director advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed within 21 days from receipt of the letter, summary judgment would be sought. The Respondent filed no answer.

On July 6, 1993, the General Counsel filed with the Board a Motion to Transfer Case to the Board and for Summary Judgment, with exhibits attached. On July 8, 1993, 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 again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

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 [R]espondent 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, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amount due is as stated in the compliance specification and we will order payment by the Respondent to the unit employees affected, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Schien Body & Equipment Co., Inc., Carlinville, Illinois, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amount following their names, 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:

Lindell Carty	\$2,114.45
Richard Crain	235.60
Lawrence Hamby	100.00
Gloria Lowery	19.90
Johnny Maples	612.15
Roger Rainey	1,095.30
Kenneth Stolte	997.21
Perry Thielmann	6,400.00
Total	\$11,574.61

Dated, Washington, D.C. August 16, 1993

James M. Stephens, Chairman

Dennis M. Devaney, Member

John Neil Raudabaugh, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD