

**Barnabo Steel Corporation d/b/a Galvanizers and Local 299, International Brotherhood of Teamsters, AFL-CIO. Case 7-CA-33224**

September 15, 1994

**SUPPLEMENTAL DECISION AND ORDER**

BY CHAIRMAN GOULD AND MEMBERS STEPHENS  
AND DEVANEY

On September 24, 1992, the National Labor Relations Board issued a Decision and Order in this proceeding<sup>1</sup> in which it, *inter alia*, ordered the Respondent to make its bargaining unit employees whole for any losses suffered by them by reason of the Respondent's unlawful ceasing its operations and discharging its employees without prior notice to the Union and without affording the Union a meaningful opportunity to negotiate and bargain with respect to the effect of the cessation of operations. A controversy having arisen over the amounts due under the Board's Order, enforced by the United States Court of Appeals for the Sixth Circuit on April 27, 1993, the Regional Director for Region 7 issued a compliance specification and notice of hearing on July 22, 1993, 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. The Respondent has failed to file an adequate answer.

On October 12, 1993, the General Counsel filed with the Board a motion to transfer case and for default summary judgment on the pleadings, with exhibits attached. On June 30, 1994, the National Labor Relations Board issued a Decision and Order,<sup>2</sup> in the above-entitled proceeding in which the Board, although finding that the answer Respondent had filed was not adequate, denied the General Counsel's motion, remanded the proceeding to the Regional Director, and granted the Respondent 21 days to file an adequate answer to the compliance specification because the General Counsel had not promptly notified the Respondent of the correct section of the Board's Rules and Regulations pertaining to an answer to a compliance speci-

fication. The Respondent failed to file an adequate answer to the compliance specification despite the additional 21 days in which to do so.

Thereafter, on August 1, 1994, the General Counsel filed with the Board in Washington, D.C., a second motion to transfer case to the Board and for default summary judgment on the pleadings, with exhibits attached. On August 5, 1994, the Board issued a supplemental 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.

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

**Ruling on Motion for Default 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 default summary judgment, the Respondent, despite having been repeatedly advised of the filing requirements, has failed to file an adequate answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an adequate answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Default Summary Judgment. Accordingly, we conclude that the net backpay due the bargaining unit employees is as stated in the compliance specification, and we will order payment by the Respondent of said amounts to the employees, plus interest accrued on said amounts to the date of payment.

<sup>1</sup> 308 NLRB No. 130 (not reported in Board volume).

<sup>2</sup> Unpublished.

## ORDER

The National Labor Relations Board orders that the Respondent, Barnabo Steel Corporation d/b/a Galvanizers, Redford, Michigan, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest and minus tax withholdings required by Federal and state laws:

Matt Rainer	\$960.80
Leon Davis	820.00
Charles Lynch	1,540.00
Ron Albert	820.00
Leroy Harris	1,120.80
Shawn Dice	860.00
Keith Heslop	820.00
Terry Covert	860.00
Larry Ezell	960.80
Jerome Ezell	820.00
William Traffenset	820.00
Wallace Hodge	820.00
Charlie Grier	820.00
Lewis Grier	820.00
Gary Bedford	820.00
Fred Eaton	820.00

<sup>3</sup>The total owed the employees was inadvertently specified as \$22,702.42 in the compliance specification instead of \$22,702.40.

Norman Baggitt	820.00
Tim Conrad	820.00
Jim Concord	820.00
John	820.00
Dave	820.00
Nick	820.00
Marvin Willis	820.00
Jerry Salanni	820.00
Doug Cotton	820.00
Henry Atkins	820.00
Total	<sup>3</sup> \$22,702.40

Dated, Washington, D.C. September 15, 1994

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William B. Gould IV, Chairman

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James M. Stephens, Member

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Dennis M. Devaney, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD