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**Transnational Diversified and Lease U.S.A. and Integrated Systems, joint and single employers and/or alter egos and Teamsters Local Union No. 696, affiliated with International Brotherhood of Teamsters, AFL-CIO.** Cases 17-CA-17017 and 17-CA-17102

May 9, 1995

**SUPPLEMENTAL DECISION AND ORDER**

BY CHAIRMAN GOULD AND MEMBERS STEPHENS  
AND BROWNING

On August 29, 1994, the National Labor Relations Board issued a Decision and Order,<sup>1</sup> *inter alia*, ordering the Respondent, Transnational Diversified and Lease U.S.A. and Integrated Systems, joint and single employers and/or alter egos, to comply with the terms and conditions of the 1992-1995 collective-bargaining agreement by deducting and remitting union dues for employees who have executed dues-checkoff authorizations and by paying medical insurance premiums, and to make the unit employees and the Union whole for its failure to do so since July 1, and October 1, 1993, respectively. On November 21, 1994, the United States Court of Appeals for the Tenth Circuit enforced the Board's Order.

A controversy having arisen over the amount of union dues owed to the Union, on February 9, 1995, the Regional Director for Region 17 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 failed to file an answer.

By letter dated March 9, 1995, the counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by March 23, 1995, summary judgment would be sought. The Respondent filed no answer.

<sup>1</sup> 314 NLRB No. 151 (not reported in Board volumes).

On April 12, 1995, the General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On April 14, 1995, 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.

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, 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,<sup>2</sup> 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 amount owed the Union is as stated in the compliance specification and we will order payment by the Respondent of said amount, plus interest accrued to the date of payment.

<sup>2</sup> The General Counsel's motion indicates that all of the copies of the compliance specification that were sent to the Respondent and its president by certified mail were returned as "unclaimed," and that the copy sent by regular mail to the Respondent's president was not returned. We find service sufficient in these circumstances. See *Michigan Expediting Service*, 282 NLRB 210 fn. 6 (1986), and *Lite Flight, Inc.*, 285 NLRB 649, 650 (1987).

## ORDER

The National Labor Relations Board orders that the Respondent, Transnational Diversified and Lease U.S.A. and Integrated Systems, joint and single employers and/or alter egos, Topeka, Kansas, its officers, agents, successors, and assigns, shall pay the Union the following amount, plus interest as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987):

Union Dues-\$1,050.00

Dated, Washington, D.C. May 9, 1995

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William B. Gould IV,            Chairman

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James M. Stephens,            Member

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Margaret A. Browning,        Member

(SEAL)            NATIONAL LABOR RELATIONS BOARD