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John M. Licursi, a Sole Proprietor, and John M. Licursi d/b/a Spectrum Glass & Mirror Company and Glaziers, Architectural Metal and Glass Workers Local Union 636, IBP & Allied Trades, AFL-CIO, CLC and David Hoffman and Lynn J. Gross and Rexo Rogers and Juan Becerra and R. J. Vandling. Cases 31-CA-21081, 31-CA-21087, 31-CA-21090, 31-CA-21111, 31-CA-21164, 31-CA-21325, 31-CA-21337, 31-CA-21396, 31-CA-21082, 31-CA-21083, 31-CA-21084, 31-CA-21085, and 31-CA-21086

April 17, 1997

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN GOULD AND MEMBERS FOX AND HIGGINS

On August 6, 1996, the National Labor Relations Board issued an unpublished Decision and Order, *inter alia*, directing John M. Licursi, a Sole Proprietor, and John M. Licursi d/b/a Spectrum Glass & Mirror Company, to consider job applicants for hire on a non-discriminatory basis and establish a preferential hiring list, giving first preference in hire to their former jobs, or substantially equivalent jobs, to Wayne Hustead, Donald Sullivan, and Robert Jordan, in that order; to make whole Wayne Hustead, Donald Sullivan, and Robert Jordan in an amount to be determined at supplemental compliance proceedings; and to make whole individuals who are established during supplemental compliance proceedings to have had the right to an offer of employment from the group of job applicants consisting of David Hoffman, Lynn J. Gross, Rexo Rogers, Juan Becerra, R. J. Vandling, Glenn Scalf, and Nema Jayroe, in an amount to be determined at the proceedings. On September 30, 1996, the U.S. Court of Appeals for the Ninth Circuit entered its judgment enforcing in full the Board's Order.

A controversy having arisen over the amount of backpay due the discriminatees, on January 14, 1997, the Regional Director for Region 31 issued a compliance specification and notice of hearing alleging the amounts 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 compli-

ance specification, the Respondent failed to file an answer.

By letter dated February 5, 1997, 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 February 12, 1997, summary judgment would be sought. The Respondent filed no answer.

On February 25, 1997, the General Counsel filed with the Board a Motion to Transfer Case to the Board and for Summary Judgment, with exhibits attached. On February 26, 1997, 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 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, 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 backpay due the discriminatees for the period covered by the compliance specification is as stated therein and we will order payment by the Respondent of the amounts to the discriminatees, plus interest accrued on the amounts to the date of payment.¹

¹ As set forth in the compliance specification, the Respondent's obligations under the Board's Order continue. The Regional Director has reserved for future determination any backpay amounts owed by the Respondent for periods subsequent to September 30, 1996.

ORDER

The National Labor Relations Board orders that the Respondent, John M. Licursi, a Sole Proprietor, and John M. Licursi d/b/a Spectrum Glass & Mirror Company, Glendale, California, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, with interest thereon 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:

<i>NAME</i>	<i>AMOUNT</i>
Wayne Hustead	\$ 543.40
Robert L. Jordan	23,849.55
Donald T. Sullivan	21,149.00
Juan Becerra	28,769.00
Lynn Gross	27,690.00
David Hoffman	17,127.20
Nema Jayroe	27,040.00

Rexo Rogers	23,966.40
Glenn E. Scalf	27,040.00
Russell J. Vandling	1,516.80

TOTAL:	<u>\$198,691.35</u>
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Dated, Washington, D.C. April 17, 1997

William B. Gould IV,	Chairman
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Sarah M. Fox,	Member
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John E. Higgins, Jr.,	Member
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