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**Vantron, Inc., d/b/a Advance Electrical Services and its Alter Ego and Single Employer Advance Contracting, a Sole Proprietorship and International Brotherhood of Electrical Workers, Local Union 716.** Case 16-CA-18840

November 18, 1999

DECISION AND ORDER

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

On September 10, 1998, the National Labor Relations Board issued an unpublished Order, inter alia, directing Vantron, Inc., d/b/a Advance Electrical Services, its officers, agents, successors, and assigns to, among other things, make whole John Gafford for any loss of earnings and other benefits he suffered resulting from the discrimination against him, in violation of the National Labor Relations Act. On March 23, 1999, the United States Court of Appeals for the Fifth Circuit issued a Mandate enforcing in full the Board's Order.

A controversy having arisen over the amount of back-pay due John Gafford, on August 27, 1999,<sup>1</sup> the Acting Regional Director for Region 16 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 September 22, 1999, counsel for the General Counsel advised the Respondent, by facsimile transmission and by first class mail, that no answer to the

<sup>1</sup> Although the reminder letter and the General Counsel's motion state that issuance and service of the compliance specification were performed on August 6, 1999, the compliance specification is dated August 27, 1999 (see Exh. A). Furthermore, the affidavit of service reflects that the specification was served on the parties on August 27, 1999. The inadvertent errors in the letter and motion do not affect the result in this proceeding.

compliance specification had been received and that unless an appropriate answer was filed by October 4, 1999, default summary judgment would be sought. The Respondent filed no answer.

On October 18, 1999, the General Counsel filed with the Board a Motion to Transfer and Continue Case Before the Board and Motion for Default Summary Judgment, with exhibits attached. On October 21, 1999, 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 Motion for Default Summary Judgment, the Respondent, despite having been advised of the filing requirements,

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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 Default Summary Judgment. Accordingly, we conclude that the net back

