A/S No. 2006 - 1

UNITED STATES DEPARTMENT OF LABOR BEFORE THE ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

* * * * * * * * * * * * * * * * * * * *	*	
IN THE MATTER OF	*	
	*	
	*	
DISTRICT DIRECTOR, ATLANTA DISTRICT OFFICE	*	
OFFICE OF LABOR-MANAGEMENT STANDARDS	*	
EMPLOYMENT STANDARDS ADMINISTRATION	*	
COMPLAINANT	*	
	*	
AND	*	Case No.
	*	
GOVERNMENT EMPLOYEES, NAGE, SEIU,	*	
LOCAL 5-150-R	*	
RESPONDENT	*	
* * * * * * * * * * * * * * * * * * * *	*	

DECISION AND ORDER

This proceeding arose under 5 U.S.C. 7120 and 29 C.F.R. Part 458 as a result of a complaint filed by the District Director of the Atlanta District Office of the Office of Labor-Management Standards against the National Association of Government Employees Local 5-150-R (NAGE), alleging that the labor organization failed to file annual financial reports for its fiscal years 2000, 2001, 2002, 2003, and 2004, in violation of 5 U.S.C. 7120 (c), 29 C.F.R. 403.2, 29 C.F.R. 403.4 (a)(2), 29 C.F.R. 403.6, and 29 C.F.R. 458.3.

On February 16, 2006, Associate Chief Administrative Law Judge Thomas M. Burke issued a Recommended Decision and Order, styled Decision and Order of Default Judgment, finding the following: on September 13, 2005, the Department filed a Complaint with the Office of Administrative Law Judges alleging that Respondent violated the above mentioned Act and regulations; on October 3, 2005, the Office of Administrative Law Judges issued a Notice of Docketing which required Respondent to file an answer within 20 days of service of the Complaint pursuant to 29 C.F.R. 458.68; on October 27, 2005, the Department filed a Motion for Default in this matter; on December 27, 2005, the Office of Administrative Law Judges issued an Order to Respondent to Show Cause why a default judgment should not be entered in this case, and; to date, Respondent has failed to file a response to the Complaint or the Show Cause Order. Associate Chief Judge Burke ordered that, considering respondent's failure to respond in this matter, a default judgment be entered and the Respondent was directed to file LM Reports for its fiscal years 2000, 2001, 2002, 2003, and 2004 and was permanently enjoined from further violating the provisions of 29 C.F.R. 458.3.

No exceptions to the Recommended Decision and Order have been filed. Therefore, pursuant to 29 C.F.R. 458.91, the findings, conclusions and recommendations of Associate Chief Judge Burke are hereby adopted.

ORDER

IT IS HEREBY ORDERED, THAT, NAGE, SEIU, Local 5-150-R file the reports for fiscal years 2000, 2001, 2002, 2003, and 2004 as required by 29 C.F.R. 458.3 within thirty (30) days of the date of this Order, and cease and desist from failing to comply timely with the reporting requirements.

Dated:

Washington, D.C.

VICTORIA A. LIPNIC Assistant Secretary A/S No. 2006 -

SERVICE SHEET

Case Name: Atlanta District Director, OLMS, Complainant and NAGE, SEIU, Local 5-150-R, Respondent

I certify that a copy of the foregoing Decision and Order was served on the following on

Certified Mail

NAGE, SEIU Local 5-150-R Ralph Johnson VA Medical Center 100 Bee Street Charleston, SC 29401

Regular Mail

Bobbie West, District Director, Atlanta District Office Office of Labor-Management Standards U.S. Department of Labor 61 Forsyth Street, S.W., Suite 8B85 Atlanta, GA 30303

Office of the Regional Solicitor U.S. Department of Labor 61 Forsyth St., S.W., Room 7T10 Atlanta, GA 30303

Kelley Andrews, Chief Office of Enforcement and International Union Audits Office of Labor-Management Standards 200 Constitution Avenue, N.W., Room N-5119 Washington, DC 20210

James Haskins, Acting Chief Division of Reports, Disclosure, and Audits Office of Labor-Management Standards 200 Constitution Avenue, N.W., Room N-5605 Washington, DC 20210

Office of the Solicitor of Labor Counsel for Litigation, CRLM 200 Constitution Avenue, N.W., Room N-2474 Washington, DC 20210

Hon. Thomas M. Burke Associate Chief Judge U.S. Department of Labor 800 K. Street, N.W., Suite 400-N Washington, DC 2001-8002

CC:	DIS Chron	•		-
		I		

-

ه 'و