

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

IN THE MATTER OF

DIRECTOR, ATLANTA DISTRICT OFFICE
OFFICE OF LABOR-MANAGEMENT STANDARDS
EMPLOYMENT STANDARDS ADMINISTRATION
COMPLAINANT

AND

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 2069
RESPONDENT

Case Number [REDACTED]

DECISION AND ORDER

This proceeding arose under the standards of conduct provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 7120, and the implementing regulations, 29 CFR 457 et seq., as a result of a complaint filed by the Director of the Atlanta District Office of the Office of Labor-Management Standards (OLMS), Employment Standards Administration. The complaint alleged that the Respondent failed to file annual financial reports for 2001, 2002, and 2003 as required by 29 CFR 458.3. The Respondent did not file an answer to the complaint as required by 29 CFR 458.68. The Respondent also failed to respond to the Order to Show Cause issued by Associate Chief Administrative Law Judge Thomas M. Burke.

As provided in 29 CFR 458.68(b), the failure to file an answer constitutes an admission of the allegation. As provided in 29 CFR 458.71, the admission of the allegation constitutes a waiver of hearing, and the administrative law judge's recommended decision and order shall adopt as his proposed findings of fact the material allegations in the complaint.

Consequently, on October 14, 2004, Judge Burke issued his recommended decision and order, styled Decision and Order of Default Judgment, recommending that Respondent be ordered to file the required reports and be enjoined from further violations of 29 CFR 458.3. No exceptions were filed to the Recommended Decision and Order. In accordance with 29 CFR 458.91, the recommended decision and order is adopted and incorporated hereto to the extent set forth below in my Order.

ORDER

IT IS HEREBY ORDERED, THAT, Respondent file the reports for fiscal years 2001, 2002, and 2003 as required by 29 CFR 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 MAR 28 2005

Washington, D.C.


VICTORIA A. LIPNIC
Assistant Secretary