



Issue Date: 09 September 2014

CASE NO.: 2014-LCA-4

IN THE MATTER OF

ADMINISTRATOR, WAGE AND HOUR DIVISION

Prosecuting Party

v.

1ST RESOURCE GROUP, INC.

Respondent

ORDER GRANTING DEFAULT JUDGMENT

On July 9, 2014, the undersigned issued an Order Compelling Discovery and Deeming Admissions Admitted. Respondent was ordered to fully and completely respond to the Prosecuting Party's Interrogatories and Requests for Production of Documents no later than July 23, 2014.

On July 28, 2014, the Prosecuting Party filed a Motion seeking a show cause order why Respondent has not complied with the Court's Order Compelling Discovery and why Default Judgment should not be entered against Respondent. The Prosecuting Party also filed a Motion to Continue the formal hearing scheduled for August 26, 2014.

Sanctions may be imposed upon a party by an administrative law judge for failing to comply with an order to produce documents or to answer interrogatories. An administrative law judge may take such action as is just, to include inter alia (1) infer the documents requested and answers to interrogatories would be adverse to Respondent; and (2) a decision of the proceeding be rendered against the non-complying party. See 29 C.F.R. §18.6(d) (i) and (iv).

Respondent has failed to file any responsive pleadings in response to the show cause order.

In view of the forgoing, **IT IS HEREBY ORDERED** that a default judgment be entered against Respondent as a Sanction for non-compliance with the Order Compelling Discovery. Respondent's failure to respond to discovery and the undersigned's Order Compelling Discovery constitutes a waiver of its rights to appear and contest the allegations of the determination. A default decision may be entered for failure of the Respondent to comply with the Rules or an Order. See Marziano v. Kids Bus Services, Inc., ARB No. 06-068, ALJ No. 2005-STA-64 (Dec. 29, 2006); Stalworth v. Justin Davis Enterprises, Inc., ARB No. 09-038, ALJ Case No. 2009-STA-1 (June 16, 2010).

Accordingly, the findings of the Administrator dated December 9, 2013, are adopted as the final order of the Secretary and Respondent's objections thereto are stricken.

The Prosecuting Party's Motion For Default Judgment against Respondent is hereby **GRANTED**.

ORDERED this 9th day of September, 2014, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: Any interested party desiring review of this Decision and Order may file a petition for review with the Administrative Review Board (Board) pursuant to 20 C.F.R. § 655.845. To be effective, such petition shall be received by the Board within thirty (30) calendar days of the date of this Decision and Order. Copies of the petition shall be served on all parties and on the administrative law judge. Once an appeal is filed, all inquiries and correspondence should be directed to the Board. The Board's address is:

U.S. Department of Labor
Administrative Review Board,
Room S-5220, FPB,
200 Constitution Ave. NW,
Washington, DC 20210.

If no petition for review is filed, this Decision and Order becomes the final order of the Secretary of Labor. See 20 C.F.R. § 655.840(a). If a petition for review is timely filed, this Decision and Order shall be inoperative unless and until the Board issues an order affirming it, or, unless and until 30 calendar days have passed after the Board's receipt of the petition and the Board has not issued notice to the parties that it will review this Decision and Order.