



Issue Date: 02 July 2019

Case Number: 2019-SCA-00004

In the Matter of:

TRINITY PROTECTION SERVICES, INC.
and **GREGORY HOLLIS**, individually and as
President,

Respondents.

ORDER OF DEFAULT JUDGMENT

On November 27, 2018, the Office of Administrative Law Judges (“Office”) received a Complaint, dated November 14, 2018, from the Office of the Solicitor, U.S. Department of Labor, Arlington, Virginia, acting as counsel for the Wage and Hour Division (“Plaintiff”), against the above-named Respondents based on alleged violations of the McNamara-O’Hara Service Contract Act of 1965 (“SCA”), 41 U.S.C. §§ 6701-6707, as amended, the Contract Work Hours and Safety Standards Act (“CWHSSA”), 40 U.S.C. § 3701 *et seq.*, and the implementing regulations at 29 C.F.R. Part 4 and 5.¹

On December 4, 2018, I issued a *Notice of Docketing* (“Notice”), notifying Respondents that the matter had been docketed with this Office. The Notice instructed Respondents that they had 30 days from receipt of Plaintiff’s Complaint to file an Answer with this Office.² Receiving no response from Respondents, on February 26, 2019, I issued an *Order to Show Cause* instructing Respondents to show cause within fifteen days of the date of the order why a default judgment should not be entered in this matter. To date, this Office has not received an Answer from Respondents as instructed by the Complaint and Notice.³ On May 24, 2019, Plaintiff filed

¹ The U.S. Government awarded Trinity Protection Services, Inc. contract number HQ0034-11-C-0027. The Complaint alleges that Respondents failed to pay the minimum wages, fringe benefits, and overtime required, resulting in underpayments totaling \$68,196.05. Plaintiff states that the contracting agency withheld \$36,512.92 from Contract HQ0034-11-C-0027. Plaintiff seeks findings that Respondents violated the SCA and are liable for the above underpayments and subject to ineligibility sanctions.

² 29 C.F.R. § 6.16(a) provides that Respondents shall file an Answer to the Complaint with the Chief Administrative Law Judge within 30 days of service of the Complaint. Failure to file an Answer constitutes an admission of all of the allegations in the Complaint, and may result in the loss of the right to a hearing and in the entry of a default judgment. See 29 C.F.R. §§ 6.16(b), (c).

³ This Office received the *Order to Show Cause* as returned mail sent to Gregory Hollis at Trinity Protection Services address at 9315 Largo Drive West, Suite 170, Largo MD 20774. As it appeared Douglas R. Coggins, Esq. was the registered agent of Trinity Protection Services, Inc., the Complaint, Notice, and Order were all sent to Mr. Coggins at 20 Courthouse Square, Suite 217, Rockville, MD 20850 and this Office has not received returned mail sent to him. At my direction, a member of my staff left a voicemail for Mr. Coggins on May 8, 2019. To date, he has not returned that phone call.

Motion for Default Judgement (“Motion”), a copy of which was served on both Respondents. To date, neither has filed a response to the Motion.⁴

The regulations at 29 C.F.R. § 6.16(c) provide:

Failure to file an answer shall constitute grounds for waiver of hearing and entry of a default judgment unless respondent shows good cause for such failure to file. In preparing the decision of default judgment the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint and shall order the appropriate relief and/or sanctions.

Respondents were expressly warned that failure to respond could result in entry of a default judgment and liability for underpayments; the release of withheld contract funds for the payment of back wages; and Respondents being denied the award of any contract with the U.S. government for a period of three years from the publication date of the Comptroller General’s debarment list containing Respondents’ names.

Based on the above, it is hereby ORDERED that:

1. The allegations in the November 14, 2018 Complaint are adopted as my findings of fact;
2. Default judgment is entered against Respondents
3. Respondents are jointly and severally liable for \$68,196.05 in underpayments under the Service Contract Act and Contract Work Hours Safety Standards Act. Any funds withheld pursuant to contract number HQ0034-11-C-0027 for the coverage of back wages are released to the Administrator of the Wage and Hour Division, U.S. Department of Labor for distribution to affected employees;
4. Respondents’ names shall be placed on the list maintained by the Comptroller General of the United States, of persons or firms having been found to have violated the Act, and therefore having become ineligible, for a period of three (3) years from the date of publication on the list, for the award of any contract of the United States.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

⁴ A party to the proceeding may file an opposition or other response to the motion within 14 days after the motion is served. 29 C.F.R. § 18.33(d).

NOTICE: To appeal, you must file a written petition for review with the Administrative Review Board ("ARB") within 40 days after the date of this Decision and Order (or such additional time that the ARB may grant). See 29 C.F.R. § 6.20.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: Boards-EFSR-Help@dol.gov

A copy of any such petition must also be provided to the Chief Administrative Law Judge, Office of Administrative Law Judges, 800 K Street, NW, Washington, DC 20001-8002. Your petition must refer to the specific findings of fact, conclusions of law, or order at issue. A petition concerning the decision on the ineligibility list shall also state the unusual circumstances or lack thereof under the Service Contract Act, and/or the aggravated or willful violations of the Contract Work Hours and Safety Standards Act or lack thereof, as appropriate.

The ARB's Rules of Practice further require that the petitioner provide to the ARB an original and four copies of the petition and any other papers submitted to the ARB. 29 C.F.R. § 8.10(b). However, if you e-File your petition, only one copy need be uploaded.

Service is to be in person or by mail. 29 C.F.R. § 8.10(c). Service by mail is complete on mailing, and the petition is considered filed upon the day of service by mail. 29 C.F.R. § 8.10(c). The petition must contain an acknowledgement of service by the person served or proof of service in the form of a statement of the date and the manner of service and the names of the person or persons served, certified by the person who made service. 29 C.F.R. § 8.10(d).

A copy of the petition is also required to be served upon the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210; the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210; the Federal contracting agency involved; and all other interested parties. 29 C.F.R. § 8.10(e).