



Issue Date: 20 September 2018

Case No.: 2018-SOC-00002

In the Matter of:

**MARK WHEELER,
DISTRICT DIRECTOR, WASHINGTON DISTRICT OFFICE,
OFFICE OF LABOR-MANAGEMENT STANDARDS,
UNITED STATES DEPARTMENT OF LABOR,**
Complainant,

v.

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
LOCAL 3147,**
Respondent.

**DECISION AND ORDER GRANTING COMPLAINANT'S
MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST RESPONDENT**

This case arises under Title VII of the Civil Service Reform Act of 1978 (“CSRA”), 5 U.S.C. §§ 7101, *et. seq.*; the Labor-Management Reporting and Disclosure Act (“LMRDA”), 29 U.S.C. §§ 401, *et. seq.*; the regulations issued pursuant to the LMDRA at 29 C.F.R. Part 403; and the Standards of Conduct Regulations (“SOC”) issued pursuant to the CSRA, promulgated at 29 C.F.R. Parts 457–459.

On January 12, 2018, Complainant’s counsel filed *Complaint* against Respondent alleging that Respondent violated its financial reporting requirements under the CSRA, LMRDA, and SOC by failing to file LM Reports for Fiscal Years 2015 and 2016.

On February 9, 2018, this Court issued *Preliminary Order* directing parties to advise this Court of “three mutually agreeable hearing dates.”

On February 26, 2018, Complainant’s counsel filed *Response to Preliminary Order and Motion for Entry of Default Judgment* (“Motion”). Complainant’s Motion states that “[s]ervice of the complaint was completed upon Claudette Joyner, Local 3147 President; J. David Cox, AFGE National President; and David Borer, AFGE General Counsel, on January 12, 2018.” As of the filing date of the Motion, Respondent had yet to file an answer to the Complaint.

On March 20, 2018, this Court issued *Order to Show Cause Why a Default Judgment Should not be Entered Against Respondent* (“Order to Show Cause”).

On May 1, 2018, this Court issued *Order Granting Request to Hold in Abeyance any Decision Based on the Order to Show Cause Why a Default Judgment Should not be Entered Against Respondent*.

On June 5, 2018, Complainant's counsel filed *Notice to the Office of Administrative Law Judges*, stating, in pertinent part:

As stated in the American Federation of Government (AFGE) National Office's May 31, 2018 "Second Notice to the Office of Administrative Law Judges," Local 3147's (Respondent) amended Labor Organization Annual Reports, Form LM-4 were due on May 31, 2018. Respondent has failed to timely file the amended reports. Ms. Claudette Joyner, President of Local 3147, has indicated to Complainant that the amended reports will be filed by June 8, 2018. Complainant will notify this Office when it receives Respondent's amended reports.

On June 25, 2018, Complainant's counsel filed *Second Notice to the Office of Administrative Law Judges*, stating, in pertinent part:

As stated in Complainant's June 5, 2018 "Notice to the Office of Administrative Law Judges," Local 3147 (Respondent) failed to file its amended Labor Organization Annual Reports, Form LM-4 by the agreed upon date of May 31, 2018 and indicated it would file the reports by June 8, 2018. Respondent has failed to file the amended reports and has subsequently been unresponsive to Complainant's attempts to communicate via phone and e-mail.

On July 12, 2018, this Court issued *Order Withdrawing Order to Hold in Abeyance any Decision Based on the Order to Show Cause Why a Default Judgment Should Not be Entered Against Respondent and Giving the Respondent Time to Respond to the Order to Show Cause Why a Default Judgment Should Not be Entered Against Respondent*. Respondent was ordered to "show cause within thirty (30) days from the date of this Order why a default judgment should not be entered in this case." To date, Respondent has failed to file a response to the Order to Show Cause.

ORDER

Accordingly, the Motion for Entry of Default Judgment against Respondent is **GRANTED**. Respondent is ordered to comply with the following:

1. To file LM-4 reports for fiscal years ending December 31, 2015 and December 31, 2016;
2. To cease and desist from violating Section 201(b) of the LMRDA, as incorporated into the CSRA by section 458.3 of the Regulations;
3. To inform its members of the course and outcome of this litigation by all means possible including posting copies of all documents filed in this matter in a prominent position on all bulletin boards used to display information about the Union, and mailing a letter to all

Union members informing them of the filing of the complaint and all orders issued in this matter; and

4. To pay the costs of this action.

SO ORDERED.

LARRY S. MERCK
Administrative Law Judge