SECRETARY OF LABOR,
Complainant,
v.
PARSONS CONTRACTING, INC.,
Respondent.

Docket No. 02-1683

DECISION AND ORDER ON DEFAULT JUDGEMENT

On October 24 and November 6, 2002, orders notified all parties including the Respondent, Parsons Contracting, Inc., of a pre-trial telephone conference to be held on Tuesday, November 12, 2002 at 10:15 a.m. EST. The Respondent failed in his responsibility to be available for the pre-trial telephone conference.

Thereafter, the undersigned issued an order requiring the Respondent to provide in affidavit form a statement as to reason(s) the Respondent should not be declared to be in default and the petition for modification of the abatement date be granted.

On November 18, 2002, the Respondent filed his affidavit stating that there was some confusion as to the posture of this proceeding, and it was unclear if the telephone conference would be held. As the Respondent provided the undersigned with good cause, the Respondent was not found to be in default.

On December 19, 2002, with the concurrence of counsel for the Complainant and the Respondent, a telephone pre-trial conference was scheduled for January 13, 2003 at 9:00 a.m.EST. The Respondent was unavailable for the pre-trial telephone conference, and the Respondent failed to notify the undersigned of its unavailability. Thus, the Respondent failed in its responsibility to be available for the pre-trial telephone conference.

On January 14, 2003, the undersigned issued his Order To Show Cause. The Order required the Respondent to provide the Court in affidavit form a statement as to reason(s) the Respondent should not be found in default.

The Respondent did not file a reply.

DISCUSSION AND CONCLUSION

The Respondent has failed to comply with the Order To Show Cause.

IT IS ORDERED that Default Judgement is GRANTED.

IT IS FURTHER ORDERED that the Citation and Notification of Penalty

issued May 20, 2002, is affirmed in its entirety.

Dated: January 27, 2003   /s/
      Washington, D.C.   G. Marvin Bober
                                          Administrative Law Judge