



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

**Juan M. Pua,**

Complainant,

v.

**Suwaso Corporation *dba* Coral Ocean Golf  
Resort,**

Respondent.

**Labor Case No. 18-049**

**ADMINISTRATIVE  
ORDER**

This matter was scheduled for an Administrative Hearing on April 24, 2019 at 9:00 a.m. at the Administrative Hearing Office. Respondent was present and represented by Attorney Colin Thompson. Complainant failed to appear.

Pursuant to NMIAC § 80-20.1-480(l), “[e]xcept for good cause shown, failure of a party to appear at a hearing after timely being served notice to appear shall be deemed to constitute a waiver of any right to pursue or content the allegations in the complaint. If a party defaults, the hearing officer may enter a final order containing such findings and conclusions as may be appropriate.”

Upon a review of the record, the undersigned hearing officer declares the following findings of fact and conclusions of law:

1. On October 15, 2019, Complainant Juan M. Pua (“Complainant”) filed a labor complaint against Respondent Suwaso Corporation *dba* Coral Ocean Golf Resort (“Respondent”) for wrongful termination, unpaid wages, negligence and discrimination;
2. On January 29, 2019, the parties attended mediation but failed to resolve the matter;
3. An Order Referring Parties for Investigation and Notice of Hearing was promptly issued and hand-delivered to the parties at the conclusion of mediation;
4. The notice indicated the date, time, and place of the scheduled Administrative Hearing;
5. Pursuant to NMIAC § 80-20.1-475(d), Complainant was duly served with adequate notice of the above-mentioned hearing date, time and location;

6. The parties participated in an investigation conducted by the Department's Enforcement Section ("Enforcement");
7. Upon conclusion of the investigation, Enforcement issued and served a written determination recommending dismissal of Complainant's claim;
8. Unfortunately, the written determination also referenced the incorrect hearing date—which was obviously incorrect as the hearing officer has the sole authority to schedule or reschedule matters;
9. Much effort was made to correct and notify the parties of the correct date as staff from the Administrative Hearing Office and Enforcement made numerous attempts to contact and verbally notify the parties of the mistaken date;
10. On April 24, 2019, Complainant failed to appear for the Administrative Hearing;
11. At the Administrative Hearing, the aforesaid staff testified that, using the contact information provided by Complainant, Complainant systematically dodged calls from the Department's landline;
12. Further, when Enforcement called using an unknown number, an unnamed party answered and indicated that Complainant is, suddenly, no longer available;
13. Pursuant to NMIAC §80-20.1-475(c), it is the parties' responsibility to keep contact information in the Department's records up to date and accurate;
14. Testimony from staff demonstrated that Complainant was uncooperative, evasive, and unwilling to participate in the adjudicated proceedings; and
15. No other cause was shown for Complainant's failure to attend.

In consideration of the above findings and conclusions, the undersigned hearing officer deems default judgement is appropriate. Accordingly, pursuant to NMIAC §80-20.1-480(1), default judgement is hereby entered in favor of Respondent.

So ordered this **25th** day of April, 2019.

/s/  
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Jacqueline A. Nicolas  
Administrative Hearing Officer