



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

In the Matter of:

Julian John III M. Cacha,

Complainant,

v.

Imperial Pacific International (CNMI) LLC,

Respondent.

Labor Case No. 18-068

ADMINISTRATIVE
ORDER

This matter was scheduled for an Administrative Hearing on May 15, 2019 at 9:00 a.m. at the CNMI Department of Labor, Administrative Hearing Office. Respondent was present and represented by Bertha Leon Guerrero and Attorney Kelley Butcher. CNMI Department of Labor, Enforcement Section was present and represented Investigators Bonifacio Castro and Jerrick Cruz. Complainant failed to appear.

Respondent moved for entry of default judgement.

Pursuant to NMIAC § 80-20.1-480(I), “[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.” “When an application for an entry of default or a default judgment occurs such application is a representation that due service has been made of all pleadings or papers required by [the regulations] to be made as a condition to the relief sought.” NMIAC 80-20.2-135(a).

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

1. On December 28, 2018, Complainant Mr. Julian John III M. Cacha (“Complainant”) filed a labor complaint against Respondent Imperial Pacific International (CNMI) LLC (“Respondent”) for unpaid wages, a violation of the WARN Act, nonpayment of paid time off, bonuses, and front pay of 60 days notice.

2. On March 5, 2019, the parties attended mediation. At mediation, Complainant was represented by Attorney Joe Hill. Attorney Joe Hill did not file a notice or entry of appearance for his limited representation. The parties failed to resolve the dispute.
3. On March 6, 2019, an Order Referring Parties for Investigation and Notice of Hearing was issued and served to the parties at the Administrative Hearing Office.
4. The above-mentioned 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. On April 9, 2019, a Notice of Prehearing Conference was issued which scheduled a Prehearing Conference for May 2, 2019 at 9:00 a.m. at the Administrative Hearing Office.
8. On April 24, 2019, Enforcement issued determination recommending judgment in favor of Respondent or dismissal of Complainant's claim;
9. The written determination reiterated the Administrative Hearing date, time, and location;
10. Enforcement served its Determination onto Complainant via mail service on April 24, 2019 and onto Respondent, via personal service on April 30, 2019.
11. On May 2, 2019, a Prehearing Conference in the above-captioned case was held. Enforcement and Respondent was present. Complainant failed to appear. Enforcement submitted written verification that Complainant departed the CNMI on March 16, 2019.
12. On May 15, 2019, Complainant failed to appear for the Administrative Hearing.
13. Enforcement submitted written verification that Complainant has not returned to the CNMI.

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 **15th** day of May, 2019.

/s/ _____
Jacqueline A. Nicolas
Administrative Hearing Officer