

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
)	
AUKEMAN FARMS, a)	
Sole Proprietorship,)	Case No. 06-CE-35-VI
)	
Respondent,)	
)	
and)	ORDER SETTING TIME TO FILE
)	RESPONSE TO GENERAL
)	COUNSEL'S MOTION TO AMEND
GUSTAVO PLASCENCIA)	BACKPAY SPECIFICATION
)	
Charging Party.)	Admin. Order 2008-03
_____)	

On April 14, 2008, the General Counsel filed a motion to amend its backpay specification. The original backpay specification, covering the period of June 24, 2006 to May 31, 2007, was the subject of an earlier order by the Administrative Law Judge (ALJ) granting a motion to make the allegations in the specification true for failure of the Respondent to timely file an answer. As there was no appeal of the ALJ's order, the order became final.

Attached to the General Counsel's April 14, 2008 motion to amend backpay specification is an amended specification which includes modified figures for the original period, as well as figures for June 1, 2007 to March 31, 2008. The amended specification notes on page two (2) the response period of fifteen (15) days for filing an answer to a specification, as provided in Board regulation section 20292(a) and (b).

As we view the only issue properly raised by the motion to be the propriety of amending the figures for the June 24, 2006 to May 31, 2007 period, we find that the governing section of the regulations is section 20240 (a), which provides that responses to such motions shall be filed within seven (7) days after the filing of the motion. Because of the ambiguity created by the 15-day response period provided in the amended backpay specification, the Board directs that the seven-day period shall run from the date of service of this Order. Computation of the time period shall be in accordance with Board regulation section 20170. Therefore, the Respondent's response to the General Counsel's motion to amend backpay specification shall be due on or before April 28, 2008.

In accordance with the above, Respondent need not file an answer to the amended specification at this time. The only issue Respondent need address in its response to the General Counsel's motion is whether or not it is appropriate to amend the original specification at this time or in the manner proposed. Should it later be found appropriate, a timeline for answering the amended backpay specification itself will be provided in a subsequent Board order.

By Direction of the Board

Dated: April 18, 2008

J. ANTONIO BARBOSA
Executive Secretary, ALRB