

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

<b>ZABALA FARMS OF SALINAS, LLC,</b>	)	Case No. <b>2021-CE-018-SAL</b>
	)	
Respondent,	)	(49 ALRB No. 1)
	)	(51 ALRB No. 1)
and,	)	
	)	
<b>BERNICE VARGAS MARTINEZ,</b>	)	<b>ORDER GRANTING MOTION TO</b>
	)	<b>MAKE CASE ELIGIBLE FOR</b>
Charging Party.	)	<b>PAYOUT FROM THE</b>
	)	<b>AGRICULTURAL EMPLOYEE</b>
	)	<b>RELIEF FUND AND TO CLOSE CASE</b>
	)	
	)	<b>Administrative Order No. 2025-14</b>
	)	
	)	(October 2, 2025)

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In *Zabala Farms of Salinas, LLC* (2023) 49 ALRB No. 1, the Agricultural Labor Relations Board (ALRB) issued a default decision and order affirming the Administrative Law Judge’s (ALJ) findings that Zabala Farms, LLC violated section 1153, subdivisions (a) and (c) of the Agricultural Labor Relations Act (ALRA or Act)<sup>1</sup> when it terminated Charging Party Berenice Vargas Martinez after she and other workers protested a reduction in their piece-rate wages.

On February 29, 2025, the General Counsel issued a backpay specification in the amount of \$4,149.00 for the backpay period from July 13, 2021 to October 29, 2021, plus interest calculated from July 13, 2021 to January 3, 2025. The Respondent did not file an answer to the backpay specification.

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<sup>1</sup> The ALRA is codified at Labor Code section 1140 et seq.

On February 21, 2025<sup>2</sup> the General Counsel filed a motion to deem admitted the allegations contained in the backpay specification and a motion for default judgment. On March 4, Administrative Law Judge Matthew Gauger issued a proposed decision and order granting the motion to deem admitted the allegations in the backpay specification and granting default judgment. On March 27, the Board issued a decision adopting the ALJ's proposed order and ordered the Respondent to pay the Charging Party \$4,149.00, plus interest (*Zabala Farms of Salinas, LLC* (2025) 51 ALRB No. 1.)

On September 15, 2025, the Regional Director for Region 1 (RD) filed a Motion to Make Case Eligible for Payout from the Agricultural Employee Relief Fund and Close Case in the above-entitled matter pursuant to Board regulation 20299, subdivision (b).<sup>3</sup> No responses to the motion were filed.<sup>4</sup>

### **ANALYSIS**

The requirements for a motion seeking a determination of eligibility for payout under the Agricultural Employee Relief Fund (AERF) are described in Board regulation 20299, subdivision (b), which indicates that such a motion “shall be accompanied by a statement describing the collection efforts made to date and the basis for the regional director's belief that collection of the full amount owing is not possible.” The regulation further provides that such an action shall be deemed to include a

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<sup>2</sup> All dates hereafter refer to 2025, unless otherwise noted.

<sup>3</sup> The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

<sup>4</sup> Parties had a 10-day period from the date of service of the motion to file responses (Board reg. 20299, subd. (b).) The deadline for filing a response to the motion was September 25, 2025.

simultaneous motion to close the case pursuant to *John V. Borchard, et al.* (2001) 27 ALRB No. 1 (See also *Andreas Farms* (2005) 31 ALRB No. 2.)

The *Borchard* decision established the procedures and standards for motions to close cases where full compliance has not been achieved. In *Borchard*, the Board found a motion to close will be supported when it contains a “detailed description of what has been done to achieve full compliance with the Board's order in the case... a chronological summary of key steps taken to achieve compliance, factors preventing full compliance, and the reasons why there is no reasonable likelihood that further efforts will be successful.” (*Id.* at 7.) *Borchard* also provided specific examples of what the detailed description should include, such as efforts to settle, the result of bankruptcy proceedings, the possibility of derivative liability or the possibility of individual liability of corporate officers (*Ibid.*)

As required by Board regulation 20299, subdivision (b), the Regional Director has set forth the requisite detailed description of the basis for her belief that collection of the amounts owed is not possible. The RD's motion contains a thorough discussion of the Region's collection efforts, the Respondent's unsuccessful *pro se* bankruptcy proceedings, and the Region's efforts to determine whether derivative liability existed in this matter. Upon review of the RD's motion and the declaration filed in support of the motion, we find that the RD has adequately substantiated her belief that collection of the full amount owing is not possible and, thus, this case meets the standard for eligibility for payout from the AERF.

**ORDER**

PLEASE TAKE NOTICE that the Motion to Make Case Eligible for Payout from the Agricultural Employee Relief Fund and Close Case is hereby GRANTED. Interest shall be calculated up to the date of this order.

IT IS SO ORDERED.

DATED: October 2, 2025

Cynthia N. Flores, Acting Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member