

**IN THE SUPREME COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

AMERICAN CONSTRUCTION, INC., and)
AMERICAN INTERNATIONAL KNITTERS)
CORPORATION,)

Petitioners/Appellees,)

v.)

EPIFANIA SALGADO, DEPARTMENT OF)
LABOR AND IMMIGRATION, THOMAS O.)
SABLAN, LINN H. ASPER, COMMONWEALTH)
HEALTH CENTER, and OFFICE OF THE)
ATTORNEY GENERAL)

Respondents/Appellants.)

APPEAL NO. 96-051
CIVIL ACTION NO. 95-1043

OPINION

Submitted on the briefs July 21, 1997

Counsel for Appellant:

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Counsel for Appellee:

Steven P. Pixley
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BEFORE: TAYLOR, Chief Justice, VILLAGOMEZ and ATALIG, Justices.

PER CURIAM:

The appellants appeal the Superior Court's order dated December 2, 1996 granting the appellee's request for a declaratory ruling that they are not liable for medical expenses incurred by Epifania Salgado during his hospitalization at the Commonwealth Health Center. This Court has jurisdiction pursuant to title 1, section 3102(a) of the Commonwealth Code. We affirm.

DISCUSSION

We review a trial court's review of agency action de novo. *Camacho v. Northern Marianas Retirement Fund*, 1 N.M.I. 362, 366 (1990).

We adopt the factual findings and reasoning of the Superior Court which held:

1. When an employee's contract for employment has expired but that employee has filed a complaint with the Chief of Labor, there does not need to be a Labor Department hearing before that employee can be deemed to have been terminated;
2. An employer is responsible for medical coverage of a nonresident worker for up to ninety-six (96) days after the date the employment contract has expired when that employee files a complaint with the Chief of Labor for alleged labor violations; and
3. An employer does not have an affirmative duty to advance a labor complaint such that a failure to do so constitutes a waiver of the employer's rights to have a Labor Department hearing within the thirty day period under 3 CMC § 4447(b).

CONCLUSION

For the reasons set forth above, we hereby **AFFIRM** the Superior Court's order dated December 2, 1996.

Dated this 20th of November, 1997.

/s/ Marty W.K. Taylor
MARTY W.K. TAYLOR, Chief Justice

/s/ Ramon G. Villagomez
RAMON G. VILLAGOMEZ, Justice

/s/ Pedro M. Atalig
PEDRO M. ATALIG, Justice