U.S. DEPARTMENT OF LABOR
SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: May 19, 1994
CASE NOS. 92-ERA-30
93-ERA-26
93-ERA-45

IN THE MATTERS OF

THOMAS J. SAPORITO, JR.
COMPLAINANT,

v.

ARIZONA PUBLIC SERVICE COMPANY,
ARIZONA NUCLEAR POWER PROJECT,
THE ATLANTIC GROUP, INC.
RESPONDENTS.

BEFORE: THE SECRETARY OF LABOR

ORDER

I issued a Final Decision and Order Approving Settlement and Dismissing Cases on March 21, 1994 in these cases, dismissing the cases with prejudice based on a combined settlement entered into by the parties, a joint motion by the parties in 92-ERA-30, a Recommended Order of Dismissal by the Administrative Law Judge (ALJ) in 92-ERA-30, and a Recommended Decision and Order Approving Settlement Dismissing Claim in 93-ERA-26.

However, on April 21, 1994, Complainant moved for establishment of a briefing schedule on what he characterizes as his remaining claims against Respondent The Atlantic Group (TAG), or in the alternative, for reconsideration of my March 21, 1994 Order. Complainant asserts that the settlement, upon which the ALJ's recommended orders and my Order was based, was limited to Complainant's claims relating to Complainant's employment or attempts to obtain employment with TAG at the Palo Verde Nuclear Generating Station (PVGNS) and did not settle "other claims (of Complainant] against TAG, unrelated to (Complainant's] employment or attempts to obtain employment at PVGNS." Complainant's Motion at 2. Attached to Complainant's motion is a copy of an order issued by Administrative Law Judge Clement J. Kichuk on Jan. 10,

1994 in Case Nos. 93-ERA-00026 and 93-ERA-00045, which was not submitted with the Joint Motion, the combined Settlement or the ALJ's recommended orders. Judge Kichuk's order states, among other things, that the ALJ "retains jurisdiction in cases Number 93-ERA-00026 and 93-ERA-00045." Attorneys for Respondent The Atlantic Group wrote a letter to the Acting Director of the office of Administrative Appeals on April 28, 1994, stating that "it is our position that there are no remaining claims against The Atlantic Group." Counsel's letter, however, only refers to Case No. 92-ERA-30 when it asserts that "there is no active claim that needs reconsideration at this time."

It is apparent that there is considerable confusion over the scope of the settlement agreement entered into by the parties on Dec. 15, 1993. Accordingly, my Order of March 21, 1994 is RESCINDED. These matters are REMANDED to the respective ALJs for reconsideration and clarification of their recommended orders approving the settlement. After holding such proceedings as the ALJs deem appropriate, the ALJs shall submit new recommended orders clarifying specifically the scope of the settlement agreement and the extent to which any claims by Complainant against any of the Respondents remain unresolved by that agreement.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.