

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

In the Matter of)

NANCY COOMER)

v.)

CINCINNATI ETA, OHIO, AND)
CINCINNATI ZOO)

Case No. 81-CETA-296

STAY ORDER

Now before me is a request by the City of Cincinnati that I stay implementation of the February 14, 1984, decision by Administrative Law Judge (ALJ) Charles Campbell of this Department (USDOL) pending review of that decision by the U.S. Court of Appeals for the Sixth Circuit.

In its application for stay and supporting memorandum, the City states that: 1) the **ALJ's** decision directs the City to repay **\$111,659.69** to the USDOL within 120 days of the date of that decision; 2) the City intends to petition the U.S. Court of Appeals for the Sixth Circuit for review of that **decision;**^{1/} 3) the **ALJ's** decision is, in the City's opinion, erroneous in various specified respects; and 4) enforcement of the decision prior to judicial review thereof would injure the City's relations with the Ohio Bureau of Employment Security (OBES) in that the City would have to immediately bring suit against OBES for recovery

1/ The City subsequently submitted a petition for review to the Court.

of the reimbursement amount specified in the ALJ's order.

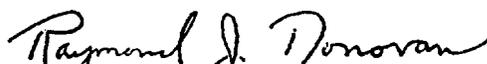
Counsel for the Grant Officer indicate that they have no objection to a grant of the City's request subject to the condition set forth infra.

Upon consideration of the foregoing, I am persuaded that a grant, so conditioned, of the City's request is warranted; and

Accordingly, it is Ordered that --

1. Implementation of the above-referenced decision IS STAYED pending review of it by the United States Court of Appeals for the Sixth Circuit; and that

2. The stay IS CONDITIONED UPON submission by the City to the USDOL, within 30 days of the issuance of this Order, of a written agreement by the City that, within 30 days after the Court of Appeals' issuance of a decision favorable to the USDOL, the City shall pay to the USDOL in cash the principal amount determined by the court to be owed to the USDOL, and such further amount as may accrue in interest during the **pendency** of said review at the interest rate(s) which the USDOL would normally charge for delayed payment of the principal amount during that period.


Secretary of Labor

Dated: June 19, 1984
Washington D.C.

CERTIFICATE OF SERVICE

Case Name: Nancy Coomer v. Cincinnati ETA, Ohio, and
Cincinnati Zoo

Case No.: **81-CETA-296**

Document: Stay Order

A copy of the foregoing document was mailed to each of the
following persons listed below on June 19, 1984.

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