



Date: November 24, 1998

Case No. 1982-OFC-6

In the Matter of:

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, U.S.
DEPARTMENT OF LABOR,
Plaintiff,

v.

COMMONWEALTH ALUMINUM, formerly
Martin-Marietta Aluminum of
Kentucky,
Defendant

DECISION AND ORDER
APPROVING CONSENT FINDINGS

This proceeding is before the undersigned upon an Order of Remand by the Administrative Review Board dated October 10, 1996. The above-captioned matter was appealed to the United States District Court for the Western District of Kentucky by the Defendant for consideration of whether six individuals were in fact covered by Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793 (1988). On September 6, 1996, the Court remanded this matter to the U.S. Department of Labor to determine whether these six individuals who were identified as having been denied employment in violation of Section 503 would have been involved in "carrying out" the government contract.

A hearing was held in this matter on March 17, 1998, in Owensboro, Kentucky. Subsequently, on November 18, 1998, the parties, by their respective counsel, submitted Consent Findings for approval by the undersigned, attached hereto and made a part hereof. I have reviewed the agreement of the parties and I enter the following findings:

1. The agreement appears to be fair and reasonable on its face and it further appears that it effectuates the purposes and policies of the statute under which it arises;

2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
3. The entire record on which this Decision and Order is based consists solely of the complaint and these Consent Findings between the parties;
4. The parties are hereby deemed to waive any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Agreement.

Accordingly, IT IS ORDERED THAT the Consent Findings are hereby adopted and this case is DISMISSED with prejudice.

DANIEL J. ROKETENETZ
Administrative Law Judge