



In The Matter Of:

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,**

CASE NO. 82-OFC-6

DATE: October 10, 1996

PLAINTIFF,

v.

**COMMONWEALTH ALUMINUM, FORMERLY
MARTIN-MARIETTA ALUMINUM OF
KENTUCKY,**

DEFENDANT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER OF REMAND

This matter was appealed to the United States District Court for the Western District of Kentucky by 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. This matter is hereby

^{1/} This is matter was originally filed before the Assistant Secretary for Employment Standards pursuant to the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793 (1988). On April 17, 1996, a Secretary's Order was signed delegating authority to issue final agency decisions under this statute and the implementing regulations, 41 C.F.R. Part 60-741 (1988) to the newly created Administrative Review Board. Secretary's Order 2-96, Apr. 17, 1996, 61 Fed. Reg. 19978, May 3, 1996. Secretary's Order 2-96 contains a comprehensive list of the statutes, executive orders, and regulations under which the Administrative Review Board now issues final agency decisions.

REMANDED to the Office of Administrative Law Judges for further proceedings consistent with the United States District Court's order.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member