



In the Matter of:

THOMAS H. SMITH,

ARB CASE NO. 97-065

COMPLAINANT,

ALJ CASE NO. 93-ERA-16

v.

DATE: October 1, 1998

**ESICORP, INC. (Formerly known as
EBASCO SERVICES, INC.),**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

Complainant, by letter to the members of the Administrative Review Board, requests the Board to vacate and reconsider the final decision of August 27, 1998, or to refer this case to the Secretary for a "policy decision" on the amount of damages. Complainant has not presented any new arguments or reasons to vacate the August 27 decision. As the Secretary has delegated her decision-making authority in cases arising under the Energy Reorganization Act of 1974 to the ARB, we deny Complainant's request that we refer this matter to her. Secretary's Order No. 2-96, paragraph 4. Complainant's motion is denied.

SO ORDERED.

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member