



In the Matter of:

KENNETH DOBREUENASKI,

ARB CASE NO. 97-125

COMPLAINANT,

(ALJ CASE NO. 96-ERA-44)

v.

DATE: August 15, 1997

ASSOCIATED UNIVERSITIES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**SECOND NOTICE OF REVIEW
AND
ORDER ESTABLISHING AMENDED BRIEFING SCHEDULE
AND
PRELIMINARY ORDER**

The Interim Recommended Decision and Order issued May 1, 1997 and the Final Recommended Decision and Order (R. D. and O.) issued on July 10, 1997 by the Administrative Law Judge (ALJ) have been transmitted to the Board for review. On July 28, 1997, the Board issued a Notice of Review and Order Establishing Briefing Schedule and Preliminary Order.

Counsel for Complainant has notified the Board that a copy of that July 28 Order has not been received to date and requested an amended briefing schedule. Counsel for Respondent has requested an amended schedule allowing for simultaneous filing of briefs by the parties, on the ground that the ALJ's R. D. and O. was partially in each party's favor. Counsel for Complainant joined in the request for permission to file simultaneous briefs. For good cause shown, it is hereby

Ordered, that the terms of the briefing schedule issued in this matter on July 28, 1997 are rescinded and the following briefing schedule is substituted therefor:

Respondent and Complainant may file an initial brief, not to exceed 30 double spaced typed pages, on or before **September 29, 1997**. Complainant and Respondent may file a reply or responsive brief, not to exceed 20 double spaced typed pages, on or before **October 30, 1997**. Respondent and Complainant may file a rebuttal brief, exclusively responsive to the reply brief and not to exceed 10 double spaced typed pages, on or before **November 14, 1997**.

All pleadings are expected to conform to the page limitations and should be prepared in Courier 12 point, 10 character-per-inch type or larger, with minimum one inch left and right margins and minimum 1¼ inch top and bottom margins, printed on 8½ by 11 inch paper.

An original and four copies of all pleadings and briefs shall be filed with the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-4309, Washington, D.C., 20210 (Telephone Number, 202-219-4728; Facsimile Number, 202-219-9315).

PRELIMINARY ORDER

As noted, on May 1 and July 10, 1997, the ALJ issued Interim and Final R. D. and O.'s. in this case arising under the Energy Reorganization Act of 1974 (ERA), 42 U.S.C. § 5851 (Supp. IV 1992), as amended by the Comprehensive National Energy Policy Act of 1992 (CNEPA), Pub. L. No. 102-486, 106 Stat. 2776, 3123. The Interim R. D. and O. found in favor of Complainant being compensated for lost wages. The Final R. D. and O. found in favor of the Complainant's petition for attorney's fees and costs.

The following preliminary order is hereby entered:

1. Respondent shall pay Complainant the sum of \$168.00 for wages lost as a result of retaliatory demotion.
2. Respondent shall pay \$33,770.75 in attorney's fees and \$5,584.00 in costs and disbursements to Complainant's Counsel.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member