

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-62,248]

**ArvinMeritor, Gabriel Ride Control Division, Including On-Site Leased Workers of Pinnacle Staffing, Chickasha, OK; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 11, 2007, applicable to workers of ArvinMeritor, Gabriel Ride Control Division, Chickasha, Oklahoma. The notice was published in the **Federal Register** on October 26, 2007 (72 FR 60910).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of chrome rods.

New information shows that leased workers of Pinnacle Staffing were employed on-site at the Chickasha, Oklahoma location of ArvinMeritor, Gabriel Ride Control Division. The Department has determined that these leased workers were engaged in on-site activities related to the production of chrome goods at ArvinMeritor, Gabriel Ride Control Division, Chickasha, Oklahoma.

Based on these findings, the Department is amending this certification to include leased workers of Pinnacle Staffing working on-site at the Chickasha, Oklahoma location of the subject firm.

The intent of the Department's certification is to include all workers employed at ArvinMeritor, Gabriel Ride Control Division, Chickasha, Oklahoma who were adversely-impacted by a shift in production of chrome rods to Mexico.

The amended notice applicable to TA-W-62,248 is hereby issued as follows:

All workers of ArvinMeritor, Gabriel Ride Control Division, including on-site leased workers of Pinnacle Staffing, Chickasha, Oklahoma, who became totally or partially separated from employment on or after October 3, 2006, through October 11, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative

trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 7th day of November 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-62,176]

**First American Title Insurance Company; Eagle Production Center; Flint, MI; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated October 16, 2007, a worker requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of First American Title Insurance Company, Eagle Production Center, Flint, Michigan (subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The negative determination was issued on October 9, 2007, and the Department's Notice of negative determination was published in the **Federal Register** on October 26, 2007 (72 FR 60910).

The worker-filed TAA/ATAA petition was denied because the subject firm does not produce an article within the meaning of Section 222(a)(2) of the Act. Workers at the subject firm are engaged in title insurance operations which entail the examining of chain of title for residential and commercial properties, writing title commitments and policies, interacting with customers and providing customer service, and abstracting.

Pursuant to 29 CFR 90.18(c), administrative reconsideration may be granted if:

(1) It appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) It appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) In the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The request for reconsideration alleges that the subject workers produce an "end product." These products

include search packages (abstracts of land title and copies of documents identifying a chain of title and encumbrances to the property); property reports (copies of documents covering the customers' interests such as easements and mortgages); title commitments (a document that indicates a commitment to issue title insurance and provides a complete history of the property); and title policies (a compilation of documents that is delivered to and paid for by the customer). The request for reconsideration also states that the "assemblage and distribution of the product(s)" is being shifted to India and the Philippines.

It is the Department's policy that the subject firm must produce an article domestically. The Department's policy is supported by current regulation. 29 CFR 90.11(c)(7) requires that the petition include a "description of the articles produced by the workers' firm or appropriate subdivision, the production or sales of which are adversely affected by increased imports, and a description of the imported articles concerned. If available, the petition should also include information concerning the method of manufacture, end uses, and wholesale or retail value of the domestic articles produced and the United States tariff provision under which the imported articles are classified."

In order to determine whether the subject firm is a manufacturing firm, the Department consulted the North American Industry Classification System (NAICS) Web site. The NAICS identifies the primary activity of the company, which is useful in understanding what a firm does for its customers, which, in turn, aids in determining whether a firm produces an article or provides services for its customers. According to the NAICS, the subject firm is a "Direct Title Insurance Carrier." This industry includes "establishments primarily engaged in initially underwriting \* \* \* insurance policies to protect the owners of real estate or real estate creditors against loss sustained by reason of any title defect to real property."

After careful review of the request for reconsideration and previously-submitted information, the Department determines that the subject firm is a service firm and not a manufacturing firm. As a corollary, the Department determines that there was no shift of production abroad.

While the Department has discretion to issue regulations and guidance on the operation of the TAA program, the Department cannot expand the program