



In The Matter Of:

ADAM MCNIECE,

COMPLAINANT,

v.

NORTHEAST NUCLEAR ENERGY COMPANY  
AND BARTLETT NUCLEAR, INC.,

RESPONDENTS.

CASE NOS. 95-ERA-18  
95-ERA-47

DATE: July 3, 1996

BEFORE: THE ADMINISTRATIVE REVIEW BOARD<sup>1/</sup>

CLARIFICATION OF SECRETARY'S PRELIMINARY  
ORDER AND ORDER OF REMAND

Respondent has requested a clarification of the Secretary's February 21, 1996, Preliminary Order and Order of Remand (P. O. and O. of R.) The Secretary's P. O. and O. of R. directs the Respondent to correct Complainant's Performance Evaluation of December 9, 1994, to reflect a minimum rating of at least "3" in all categories. This directive affects only the December 9, 1994, Performance Evaluation and **does not** direct that any Performance Evaluations subsequent to Complainant's reinstatement of March 14, 1996, reflect anything other than a fair and accurate evaluation of the Complainant's performance.

The P. O. and O. of R. further directs Respondent not to give a less than satisfactory reference regarding Complainant only relating to the period **up to** Complainant's March 14, 1996,

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<sup>1/</sup> This matter was filed before the Secretary of Labor pursuant to the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 (1994). On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and the implementing regulations (29 C.F.R. Part 24) to the newly created Administrative Review Board. Secretary's Order 2-96 (Apr. 17, 1996), 61 Fed. Reg. 19978 (May 3, 1996) (copy attached).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order, and regulations under which the Administrative Review Board now issues final agency decisions. A copy of the final procedural revisions to the regulations (61 Fed. Reg. 19982) implementing this reorganization is also attached.

reinstatement. In the event that Complainant ceases to be employed by Respondent in the future, Respondent is expected to provide a fair and accurate reference of Complainant's performance subsequent to Complainant's March 14, 1996, reinstatement.

SO ORDERED.

DAVID A. O'BRIEN  
Chair

KARL J. SANDSTROM  
Member

JOYCE D. MILLER  
Alternate Member