



In the Matter of:

**PAULINE M. EWALD,
COMPLAINANT,**

ARB CASE NO. 02-027

v.

ALJ CASE NO. 89-SDW-1

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF WASTE MANAGEMENT,**

DATE: OCT -4 2002

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

On January 31, 2002, the Administrative Review Board issued an "Order Granting Suggestion to Stay Briefing" in this case. This order was in response to the suggestion of the Department of Labor's Assistant Secretary of Occupational Safety and Health, an amicus in this case, to stay briefing pending the Supreme Court's decision in *South Carolina State Ports Authority v. Federal Maritime Comm'n*, 243 F.3d 165 (4th Cir. 2001), *petition for cert. granted*, 70 U.S.L.W. 3279 (U.S. Oct. 15, 2001).

The Supreme Court issued its decision in this case on May 28, 2002. *Federal Maritime Commission v. South Carolina State Ports Authority*, 122 S.Ct. 1864 (2002). Accordingly the parties are directed to inform the Board no later than November 4, 2002, how they wish to proceed in this case.

FOR THE ADMINISTRATIVE REVIEW BOARD:

**Janet R. Dunlop
General Counsel**