



In the Matter of:

GREGORY LATORRE,

ARB CASE NO. 98-040

COMPLAINANT,

(ALJ CASE NO. 97-ERA-46)

v.

DATE: December 17, 1997

**CORIELL INSTITUTE FOR
MEDICAL RESEARCH,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

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

The Recommended Decision and Order (R. D. and O.) issued on December 3, 1997 by the Administrative Law Judge (ALJ) has been transmitted to the Board for review. The following briefing schedule is established in this case. Respondent may file an initial brief, not to exceed 30 double spaced typed pages, on or before **January 15, 1998**. Complainant may file a reply brief, not to exceed 30 double spaced typed pages, on or before **February 17, 1998**. Respondent may file a rebuttal brief exclusively responsive to the reply brief and not to exceed 10 double spaced typed pages, on or before **March 4, 1998**.

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 1 1/4 inch top and bottom margins, printed on 8 1/2 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, 202-2194728; Facsimile Number, 202-219-9315).

PRELIMINARY ORDER

As noted, on December 3, 1997, the ALJ issued the R. D. and O. 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 ALJ found that Respondent had violated § 5851 and that Complainant is entitled to both reinstatement to his former position and payment for compensatory damages. The ALJ did not preliminarily award attorney's fees and costs because no documentation had been submitted.

The following preliminary order is hereby entered:

Respondent shall reinstate Complainant to his former position as a Research Technician III with full back pay, with interest and benefits commencing November 22, 1996 up to and including the date of reinstatement;

Complainant shall be paid the sum of \$26,500.00 for compensatory damages;

Respondent shall expunge from Complainant's employment records all references to engagement in protected activity;

Complainant's request for a preliminary award of attorney's fees and costs is denied. Complainant shall be afforded the opportunity to request attorney's fees and costs upon the issuance of a final order.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member