

ADMINISTRATIVE PROCEEDING
FILE NO. 3-9793

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
March 10, 2003

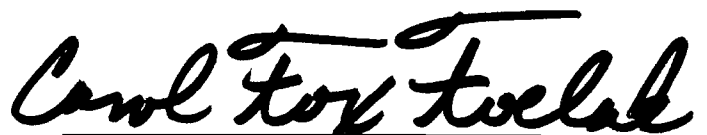
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In the Matter of :
: JEAN-PAUL BOLDUC, et al. : ORDER
:

This proceeding concerns alleged manipulation of earnings reported from 1991 to 1996 by W.R. Grace & Co. (Grace) of its subsidiary National Medical Care, Inc. (NMC). Respondent Robert W. Armstrong (Armstrong) is a former officer of NMC. The hearing was held October 8 through October 20, 2003, when the hearing and the record were closed. On November 18, Armstrong filed a Motion to Supplement Record, which was opposed by the Division of Enforcement (Division) on November 25.

Armstrong requests that the record be reopened and that two exhibits, previously marked for identification as Division Exhibits 91 and 92, be admitted into evidence. The two exhibits are drafts of an April 27, 1995, Grace press release announcing its first quarter 1995 earnings, which was admitted as Division Exhibit 183, one of fifteen such quarterly press releases admitted into evidence. Armstrong offers the two exhibits, which include a routing memorandum, for the purpose of showing that such draft press releases were not circulated to NMC personnel such as Armstrong, in support of his position that he was not involved in, or responsible for, Grace's financial reporting. As the Division argues, to admit the exhibits after the close of the hearing deprives it of any opportunity to rebut the inference that Armstrong never received any draft of any of the fifteen press releases. The undersigned notes, as well, that the record contains abundant evidence concerning the dealings of Armstrong and other NMC personnel with Grace. Under these circumstances, to reopen the record would disrupt the orderly disposition of the proceeding. The record will not be reopened, and the exhibits will not be admitted.

IT IS SO ORDERED.



Carol Fox Foelak
Administrative Law Judge