

From: David Vito *DI*
To: KP_DO.kp1_po.BRL, JCL, LMH1, DJH, CWH, KPP1.ARB
Date: 12/23/98 10:24am
Subject: RI-98-A-0102 Salem (OI Case 1-98-023)

J. Linville
L. Hamson
D. Holody
?
A. Blough

I called Ed Baker to see if he had changed his mind regarding the possibility of deferring OI effort on this H&I case in favor of the DOL process. Ed indicated that Guy Caputo had spoken to him, and had informed him that an ALJ hearing was held in October 1998, but noted that this did not supercede the Commission guidance in the AGM regarding H&I findings within the past 2 years. In other words, he didn't change his mind, and he indicated that to his recollection, the conversation with Caputo did not go in that direction. Ed said that if OI and the Region feel strongly about deferring to DOL, the next step is to appeal to the Deputy EDO. Ed also indicated that another option could be for OI to try to make a determination from what has been gathered in the investigation so far, that there is no case of discrimination, and issue a finding. I told Ed I would relay this information to Region I OI and the staff.

CC: OWFN_DO.owf4_po.ETB

362