

purchases of precision sheet metal fabrication for 2007, 2008, and January through April 2009 revealed decreased imports. The investigation also revealed that the subject firm is not a supplier or downstream producer to a firm that employed a worker group eligible to apply for Trade Adjustment Assistance (TAA).

In the request for reconsideration, the petitioner alleged that, in November 2008, the subject firm's largest customer transferred forty percent of its base contract for self check-out cabinets to a firm in Canada, and that the shift in supplier caused a downturn in business for the subject firm and the subsequent worker separations.

In response to the request, the Department sought further details about the circumstances surrounding the separations, especially the relationship between the separations and the alleged decline in sales to a customer which allegedly began to outsource like and directly competitive articles from a Canadian firm.

The reconsideration investigation revealed that the workers are separately identifiable by product line and that the subject firm sold two types of precision sheet metal fabrication to the customer named in the request for reconsideration: Sheet metal cabinets for self check-out units, and sheet metal parts to modify those basic cabinets to accommodate a variety of peripherals, such as computers and cameras.

The reconsideration investigation regarding self check-out units revealed that the subject firm's largest customer did transfer a significant proportion of its purchases of such cabinets for self check-out units to a foreign source; however, during the relevant period sales of these self check-out cabinets to this customer increased significantly.

Further, an analysis revealed that, although the subject firm's share of cabinet purchases by this customer declined, that customer so greatly increased the amount of its purchases of self check-out cabinets overall that its purchases of those items from the subject firm actually increased significantly.

Additionally, during the reconsideration investigation, the subject firm provided the Department with the names of its four largest declining customers.

During the course of the original investigation, customer surveys were conducted for two firms which accounted for 68 percent of the decline in sales of the subject firm during the first four months of 2009. Those surveys revealed that one company did not import any like or

directly competitive articles during the relevant period, while the other decreased its imports of like and directly competitive articles by 98 percent during the same period.

During the reconsideration investigation, the Department contacted a third company but did not survey the customer because of the relatively insignificant scale of the customer's decline. The fourth customer was the customer identified in the request for reconsideration. Because self check-out unit sales by the subject firm to this customer increased during the relevant period (as stated above) and the workers of the subject firm are separately identifiable by product line, the Department did not survey this customer.

### Conclusion

After a careful review of information obtained during the reconsideration investigation and previously-submitted information, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Dawson Metal Company, Inc., Industrial Division, Jamestown, New York.

Signed in Washington, DC, this 7th day of October 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-71,863]

#### **United Auto Workers Local 1999, Oklahoma City, OK; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated January 20, 2010, workers requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of United Auto Workers Local 1999, Oklahoma City, Oklahoma (the subject firm). The determination was signed on November 23, 2009. The Notice of determination was published in the **Federal Register** on January 25, 2010 (75 FR 3939).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the petition filed on behalf of workers at United Auto Workers Local 1999, Oklahoma City, Oklahoma, was based on the findings that the workers at the subject firm did not supply services that support the production at the General Motors sport utility vehicle (SUV), Oklahoma City, Oklahoma plant, as alleged in the petition, and are not adversely-affected secondary workers.

In the request for reconsideration, the workers rely solely on the subject firm's relationship with the General Motors SUV plant in Oklahoma City, Oklahoma. Workers at that facility had been certified eligible to apply for TAA under TA-W-63,965 (issued on October 8, 2008). The workers in the request for reconsideration states that "our firm is still operating and servicing General Motors and its workers/retirees" even though the plant at issue was permanently closed in September 2008.

The workers also stated they are seeking TAA certification as secondarily-affected workers because the subject firm "was and is a supplier or downstream producer to the General Motors SUV plant which employed a group of workers who received certification of eligibility under Section 222(a) of the Act."

The initial investigation by the Department, however, and the documentation of the subject firm's activities which accompanied the request for reconsideration, reveal that the subject firm is not a Supplier or Downstream Producer to the General Motors SUV plant at issue. Specifically, the headings given to the documentation which accompanied the request for reconsideration illustrate that the subject firm did not supply services to the General Motors SUV plant in Oklahoma City, Oklahoma that were directly used in the production of the article that was the basis for certification of TA-W-63,965. For example, under the overall heading of "Advertising, Publicity and Community Awareness" was "Annual Oklahoma State Fair Booth"; "Parades"; "Trade Shows" and under the overall heading of "Employee Classes/Services" was "Pre- and Post-Retirement Classes"; "Job

Fair”; and “Calendars.” Other documentation appeared under the headings of “UAW–GM Golf Tournaments” and “Community Service & Charitable Activities.”

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor’s prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 7th day of October 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA–W–74,327]

#### **Anthem Blue Cross Blue Shield, Claim Management Services, Inc. Operations, a Division of Wellpoint, Inc., Green Bay, WI; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated August 26, 2010, a petitioner requested administrative reconsideration of the Department of Labor’s negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of Anthem Blue Cross Blue Shield, Claim Management Services, Inc. Operations, a Division of Wellpoint, Inc., Green Bay, Wisconsin (the subject firm). The Notice of determination was signed on August 16, 2010, and was published in the **Federal Register** on September 3, 2010 (75 FR 54187). The workers supply claims processing services and customer service functions, and are not separately identifiable by service.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the TAA petition filed on behalf of workers at the subject firm was based on the findings that there was neither a shift in the supply of claims processing and customer service functions to a foreign country, nor imports of claims processing and customer service functions during the relevant period, and that the subject firm is not a supplier or downstream producer to a firm that employed a worker group eligible to apply for TAA.

In the request for reconsideration, the petitioner stated that the workers of the subject firm should be eligible for TAA based on a shift to a foreign country. The petitioner also noted that workers at other locations of Anthem Blue Cross Blue Shield are eligible to apply for TAA, and urged the Department to “take a look at the entire company and review this again and you will find that they have outsourced to [a foreign country].”

The Department has confirmed that workers at several other locations of Anthem Blue Cross Blue Shield are eligible to apply for TAA on the basis of a shift to a foreign country; however, the workers at the subject facility supply services that are distinctly different and separate from those supplied by workers at the other Anthem Blue Cross Blue Shield locations, and the work that was performed by Anthem Blue Cross Blue Shield workers who are eligible to apply for TAA based on a shift abroad had never been performed at the subject facility.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor’s prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 7th day of October 2010.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA–W–74,063]

#### **TRG Insurance Solutions, Beckley, WV; Notice of Revised Determination on Reconsideration**

By application dated August 12, 2010 petitioners requested administrative reconsideration of the Department’s negative determination regarding the eligibility of workers and former workers of TRG Insurance Solutions, Beckley, West Virginia, to apply for Trade Adjustment Assistance. On August 30, 2010, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration. The Department’s Notice was published in the **Federal Register** on September 13, 2010 (75 FR 55612). Workers at the subject firm are engaged in employment related to the supply of insurance call center services.

Based on the information obtained during the reconsideration investigation, the Department determines that the subject firm shifted to a foreign country a significant proportion of the services like or directly competitive with the insurance call center services supplied by the subject workers.

### Conclusion

After careful review of the additional facts obtained during the reconsideration investigation, I determine that workers of TRG Insurance Solutions, Beckley, West Virginia, who are engaged in employment related to the supply of insurance call center services, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223