

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-52,326]

**Bojud Knitting Mills, Inc., Amsterdam, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application of September 8, 2003, a petitioner 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 the subject firm. The denial notice was signed on August 13, 2003, and published in the **Federal Register** on September 2, 2003 (68 FR 52228).

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 petition for the workers of Bojud Knitting Mills, Inc., Amsterdam, New York was denied because criterion (1) was not met. Employment at the subject plant increased from 2001 to 2002, and in January to July of 2003 relative to the same period of 2002.

The petitioner implies that the petitioning worker group met the criterion concerning an immediate threat of layoffs, as workers were laid off soon after the negative determination; specifically, he states that workers were laid off in the last week of August and the first week of September.

A company official was contacted in regard to this issue and indicated that employment increased in January through August of 2003 relative to the same period in 2002, but employment levels did decline in September of 2003. The official further clarified that future "employment declines are very hard to predict as the volume of employees is based on customer orders."

Further, the official confirmed that which was discovered in the initial investigation, which was that the company did not shift production, nor did it import like or directly competitive products.

Finally, results of a survey of major declining customers conducted at the time of the initial investigation established that customer imports did not contribute importantly to layoffs at the subject firm.

**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 at Washington, DC, this 23rd day of December, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-52,771]

**Central-PA Distribution & Warehouse, LLC, Reedsville, PA; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Central-Pa Distribution & Warehouse, LLC, Reedsville, Pennsylvania. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,771; Central-Pa Distribution & Warehouse, LLC, Reedsville, Pennsylvania (January 8, 2004)

Signed at Washington, DC this 14th day of January 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-52,082]

**Computer Sciences Corporation Workers Employed at Pratt & Whitney; West Palm Beach, FL; Notice of Negative Determination Regarding Application for Reconsideration**

By application postmarked September 5, 2003, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Computer Sciences Corporation employed at Pratt & Whitney, West Palm Beach, Florida was signed on August 4, 2003, and published in the **Federal Register** on August 18, 2003 (68 FR 49522).

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 TAA petition was filed on behalf of workers at Computer Sciences Corporation employed at Pratt & Whitney, West Palm Beach, Florida engaged in information technology services for Pratt & Whitney. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

In the request for reconsideration, the petitioners alleged that the petitioning worker group did produce a product, describing their function specifically as "writing software programs." The petitioner also infers that the fact that these software programs are copyrighted is proof of their status as a product and not a service. Further conversations with the petitioners indicated that they were coordinating a shift of work functions to India and Connecticut prior to their layoff.

A conversation with the company official indicated that some of the petitioning workers performed computer "source coding" for a mainframe owned by Pratt & Whitney,