

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-73,351]

Sandy Alexander, Clifton, NJ; Notice of Negative Determination on Reconsideration

On January 21, 2011, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Sandy Alexander, Clifton, New Jersey (subject firm). The Department's Notice was published in the **Federal Register** on February 2, 2011 (76 FR 5832). The workers are engaged in activities related to the production of printed materials.

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 initial investigation resulted in a negative determination based on the findings that the petitioning worker group did not meet the eligibility criteria set forth in the Trade Act of 1974, as amended.

In request for reconsideration, the petitioner supplied new information regarding an alleged shift in production to China.

A careful review of the administrative record and additional information obtained by the Department during the reconsideration investigation confirmed that the subject firm did not shift to, nor acquire from, a foreign country articles that are like or directly competitive with articles produced by the subject firm.

Further, during the reconsideration investigation, the Department reviewed previously-submitted information and determined that there was no mistake in fact and no misinterpretation of the facts or the law.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Sandy Alexander, Clifton, New Jersey.

Signed in Washington, DC, on this 11th day of August, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011-22555 Filed 9-1-11; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-74,554]

International Business Machines (IBM), Software Group Business Unit, Quality Assurance Group, San Jose, California; Notice of Negative Determination on Reconsideration

On January 21, 2011, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of International Business Machines (IBM), Software Group Business Unit, Optim Data Studio Tools QA, San Jose, California (subject firm). The Department's Notice was published in the **Federal Register** on February 2, 2011 (76 FR 5832). The subject worker group supplies acceptance testing services, design consulting services, and call center services.

The negative determination of the Trade Adjustment Assistance petition filed by a State of California workforce agent on behalf of workers at the subject firm was based on the Department's finding that Criterion (1) has not been met because the Department did not find that a significant number or proportion of the workers at IBM, Software Group Business Unit, Optim Data Studio Tools QA, San Jose, California was totally or partially separated, or threatened with separation.

29 CFR 90 defines "significant number or proportion of the workers" to mean "(a) In most cases, the total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total of unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less; or (b) At least three workers in a firm (or appropriate subdivision thereof) with a workforce of fewer than 50 workers."

In his request for reconsideration, a worker stated that "I was an employee of Information Management Group where * * * over 100+ employees have been let go from this particular group * * * In my specific HPU group (High Performance Unload tooling group) I was the only full time employee

working in the U.S.A. validating the quality of this produce running Acceptance testing." The request for reconsideration included a diagram that shows that "HPU tooling" is a group within "Information Management," which is a unit within the "Software Division" of IBM.

New information obtained from the subject firm during the reconsideration investigation shows that the Optim Data Studio Tools QA unit is a subset of the Quality Assurance Group, which is part of the Software Group Business Unit of IBM, and that the HPU Tooling Group is a project handled by members of the Quality Assurance Group rather than a distinct subgroup of IBM. As such, the Department determines that the subject worker group consists of workers of IBM, Software Group Business Unit, Quality Assurance Group, San Jose, California.

During the reconsideration investigation, the Department received information that there was only one worker separation within the subject worker group and that no workers of the subject worker group was threatened with separation (partial or total), as defined by 29 CFR 90. Rather, the new information obtained during the reconsideration investigation revealed that employment within the Quality Assurance Group (San Jose, California facility) increased in 2010 from 2009 levels.

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.

After careful review of the administrative record and new information collected during the reconsideration investigation, the Department determines that, in light of the new information, the determination complained of is not erroneous; that the determination complained of is not based on a mistake in the determination of facts not previously considered; and that there has not been a misinterpretation of facts or of the law.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for

worker adjustment assistance for workers and former workers of International Business Machines (IBM), Software Group Business Unit, Quality Assurance Group, San Jose, California.

Signed in Washington, DC on this 22nd day of August, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011-22562 Filed 9-1-11; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-80,213]

Healthlink, a Wellpoint, Inc. Company, Accounts Receivable and Collections Division, St. Louis, MO; Notice of Negative Determination Regarding Application for Reconsideration

By application received July 14, 2011, a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers HealthLink, a Wellpoint, Inc. Company, Accounts Receivable and Collections Division, St. Louis, Missouri (HealthLink-Accounts Receivable Collections Division). The negative determination was issued on June 21, 2011. The Department's Notice of Determination was published in the *Federal Register* on July 8, 2011 (76 FR 40402). The workers of HealthLink-Accounts Receivable Collections Division are engaged in activities related to the supply of health insurance services: Accounts payable and collections services.

The petition was filed on behalf of "finance" workers at HealthLink, St. Louis, Missouri (HealthLink). The petition states that the service supplied by HealthLink is a "network of providers through contracts to payors—insurers and third party administrators" and that "production has been/is being sent to India and services are being outsourced to India."

The negative determination was based on the Department's findings that HealthLink does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a "firm" or appropriate subdivision that produces an article.

In the request for reconsideration, the petitioner asserts that subject worker group separations were due to a shift to India and stated that "other Wellpoint petitions for several other locations of Financial Operation departments" have worker groups eligible to apply for TAA.

The determinations referenced in the request for reconsideration are Wellpoint, Inc., Financial Operations Recovery Department (TA-W-74,661 through TA-W-74,661H; issued on January 7, 2011).

Workers covered by TA-W-74,661 were eligible to apply for worker adjustment assistance because the worker group eligibility requirements of the Trade and Globalization Adjustment Assistance Act of 2009 (Trade Act of 2009) was satisfied. Specifically, the Department determined that there was a shift by the workers' firm to a foreign country in the supply of services like or directly competitive with those supplied by the workers' firm and that the shift of services abroad contributed importantly to worker group separations.

Pursuant to 29 CFR 90.18(c), administrative 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.

After the Trade Act of 2009 expired in February 2011, petitions for TAA were instituted under the Trade Adjustment Assistance Reform Act of 2002 (Trade Act of 2002). Therefore, the statute applicable to TA-W-80,213 is the Trade Act of 2002. The applicable regulation is codified in 29 CFR 90, subpart B.

Section 222 of the Trade Act of 2002 establishes the worker group eligibility requirements. The requirements include either "imports of articles like or directly competitive with articles produced by such firm or subdivision have increased" or "a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision."

The request for reconsideration asserts that workers separated at the HealthLink, St. Louis, Missouri facility are similar to workers covered by "other

locations of Financial Operation departments that have been approved."

The certification for TA-W-74,661 was issued based on the Department's findings that the workers' firm supplied a service and that the supply of services was shifted to a foreign country. The shift of services that was the basis for certification under the Trade Act of 2009 cannot be the basis for certification under the Trade Act of 2002 because the two statutes have different worker group eligibility criteria.

After careful review of the request for reconsideration, previously submitted materials, the applicable statute, and relevant regulation, the Department determines that there is no new information, mistake in fact, or misinterpretation of the facts or of the law.

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 18th day of August, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011-22552 Filed 9-1-11; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-75,183]

Reynolds Food Packaging LLC, a Subsidiary of Reynolds Group Holding Limited, Grove City, PA; Notice of Revised Determination on Reconsideration

On June 6, 2011, the Department of Labor (Department) issued a Notice of Affirmative Determination Regarding Application for Reconsideration to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Reynolds Food Packaging LLC, a subsidiary of Reynolds Group Holding Limited, Grove City, Pennsylvania (subject firm). Workers at the subject firm are engaged in employment related to the production of disposable food service containers and bulk sheet.

During the reconsideration investigation, the Department received new information that revealed that there