

	:		
SECRETARY OF LABOR,	:	:	
	:		
Complainant,	:		
	:		
v.	:		OSHRC Docket Nos. 93-0512
	:		93-0513
TRI-STATE STEEL	:		
(Consolidated)	:		
CONSTRUCTION CO., INC.,	:		
	:		
Respondent.	:		
	:		

**ORDER**

Tri-State Steel Construction Co., Inc., (Tri-State) filed a petition for fees and expenses under the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504. The Commission aggregated the net worth of National Engineering and Contracting Co., Tri-State's parent corporation, with the assets of Tri-State in finding that Tri-State's net worth exceeded the \$7,000,000 limit for eligibility under the EAJA. *Tri-State Steel Const. Co.*, 17 BNA OSHC 2136, 1995-97 CCH OSHD ¶ 31,402 (Nos. 93-0512, 93-0513, 1997). The Sixth Circuit reversed and remanded. *Tri-State Steel Const. Co., v. Herman*, 164 F.3rd 973 (6th Cir. 1999).

We refer these cases to the Chief Administrative Law Judge for further proceedings. So ordered.

/Signed/

Thomasina V. Rogers  
Chairman

Date: August 18, 1999

/Signed/

Gary L. Visscher  
Commissioner

93-0512 & 93-0513

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