



In The Matter Of:

JESSIE DOTSON

CASE NO. 95-CAA-11

COMPLAINANT,

DATE: July 17, 1996

v.

ANDERSON HEATING AND COOLING, INC.

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD<sup>1/</sup>

### FINAL DECISION AND ORDER

The Administrative Law Judge (ALJ) submitted a Recommended Decision and Order (R. D. & O.) in this case arising under the Clean Air Act, 42 U.S.C. § 7622 (1988), recommending that the complaint be denied. Complainant Jessie Dotson alleged he was discriminated against by Respondent Anderson Heating and Cooling, Inc. (Anderson) when it discharged him after he threatened to report cheating on an Environmental Protection Agency required examination. The ALJ found that Anderson laid Dotson off because of a decline in available work, not because of his protected activity. R. D. & O. at 16-17. The ALJ also found that Dotson is not protected by the Clean Air Act because he deliberately violated the Act by himself cheating on the examination and that Anderson did not direct him to do so. R. D. & O. at 18-19; 42 U.S.C. § 7622(g).

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<sup>1/</sup> On April 17, 1996 a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and these regulations to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996) (copy attached).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order and regulations under which the Board now issues final agency decisions. A copy of the final procedural revisions to the regulations (61 Fed. Reg. 19982), implementing this reorganization is also attached.

The record in this case has been reviewed and we find that it fully supports the ALJ's findings and conclusion (copy attached). We adopt the recommendation that this complaint be denied.

SO ORDERED.

DAVID A. O'BRIEN  
Chair

KARL J. SANDSTROM  
Member

JOYCE D. MILLER  
Alternate Member