



Issue Date: 09 August 2005

CASE NUMBERS: 2005-SDW-004
2005-SDW-005
2005-SDW-006

In the Matter of:

**GREGORY A. DANN,
LON A. FULLER, and
THOMAS J. KOSCIK,**
Complainants,

v.

**BECHTEL SAIC COMPANY, LLC, and
BECHTEL NEVADA**
Respondents.

ORDER DENYING BECHTEL NEVADA'S MOTION FOR SUMMARY DECISION

On June 30, 2005, Respondent Bechtel Nevada filed a motion for summary decision requesting that it be dismissed as a Respondent in this proceeding. The Complainants' response opposing the motion was received on July 27, 2005. On July 29, 2005 Bechtel Nevada filed a response to the Complainants' reply, which it captioned as a Motion for Leave to File a Reply to the Complainants' Response.

Review of the submissions of Bechtel Nevada and the Complainants indicates that the Complainants have submitted evidence sufficient to support a reasonable inference that Bechtel Nevada refused to employ the Complainants because they had engaged in protected activities while employees of Bechtel SAIC. Although Bechtel Nevada has submitted evidence suggesting that its refusal to employ the Complainants may have been motivated entirely or in part by other considerations, the information submitted by the Complainants is sufficient to show that there are at least genuine issues of material fact concerning Bechtel Nevada's real reasons for refusing to employ the Complainants. Accordingly, Bechtel Nevada's motion for summary decision is hereby denied.

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Paul A. Mapes
Administrative Law Judge

