

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 10-1288

---

SYED M.A. HASAN,  
Petitioner

v.

UNITED STATES DEPARTMENT OF LABOR,  
Respondent

ENERCON SERVICES INC,  
Intervenor

---

On Petition for Review of a Final Decision and Order of the  
Administrative Review Board for the United States Department of Labor  
(ARB Case No. 04-045)

---

Present: McKEE, *Chief Judge*, SLOVITER, SCIRICA, RENDELL, BARRY,  
AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN,  
HARDIMAN, GREENAWAY, JR. and VANASKIE, *Circuit Judges*.

---

SUR PETITION FOR REHEARING  
WITH SUGGESTION FOR REHEARING EN BANC

---

The petition for rehearing filed by Petitioner having been submitted to all judges who participated in the decision of this court, and to all the other available circuit judges in active service, and a majority of the judges who concurred in the decision not having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is hereby DENIED.

BY THE COURT:

*/s/ D. Michael Fisher*  
\_\_\_\_\_  
Circuit Judge

Dated: November 1, 2010  
CJG/cc: Terry M. Kollmorgen, Esq.

Paul L. Frieden, Esq.  
Matthew Bernt, Esq.  
Syed M.A. Hasan