

**FOR FURTHER INFORMATION CONTACT:** Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue, NW., Frances Perkins Bldg. Room S-4231, Washington, DC 20210, telephone number (202) 693-3008 (this is not a toll-free number) or by *e-mail*: [gibbons.scott@dol.gov](mailto:gibbons.scott@dol.gov).

Signed in Washington, DC, this 9th day of March 2011.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Announcement Regarding New Mexico and Colorado Triggering "On" to Tier Four of Emergency Unemployment Compensation 2008 (EUC08)

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** Announcement regarding New Mexico and Colorado triggering "on" to Tier Four of Emergency Unemployment Compensation 2008 (EUC08).

Public law 111-312 extended provisions in Public Law 111-92 which amended prior laws to create a Third and Fourth Tier of benefits within the EUC08 program for qualified unemployed workers claiming benefits in high unemployment states. The Department of Labor produces a trigger notice indicating which states qualify for EUC08 benefits within Tiers Three and Four and provides the beginning and ending dates of payable periods for each qualifying state. The trigger notice covering state eligibility for the EUC08 program can be found at: [http://ows.doleta.gov/unemploy/claims\\_arch.asp](http://ows.doleta.gov/unemploy/claims_arch.asp).

Based on data published January 25, 2011, by the Bureau of Labor Statistics, the following trigger changes have occurred for New Mexico and Colorado in the EUC08 program:

The three month average, seasonally adjusted total unemployment rates for New Mexico and Colorado met or exceeded the 8.5% threshold to trigger "on" to Tier Four in the EUC08 program. The payable period in Tier Four for New Mexico and Colorado began February 13, 2011. As a result, the maximum

potential entitlement of 34 weeks will increase to a maximum potential entitlement of 47 weeks in the EUC08 program.

#### Information for Claimants

The duration of benefits payable in the EUC program, and the terms and conditions under which they are payable, are governed by Public Laws 110-252, 110-449, 111-5, 111-92, 111-118, 111-144, 111-157, 111-205 and 111-312, and the operating instructions issued to the states by the U.S. Department of Labor. Persons who believe they may be entitled to additional benefits under the EUC08 program, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

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Signed in Washington, DC, this 9th day of March 2011.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-73,145]

#### The Jewelry Stream; Los Angeles, CA, Notice of Negative Determination on Reconsideration

On November 10, 2010, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of The Jewelry Stream, Los Angeles, California. On November 23, 2010, the Department's Notice of determination was published in the **Federal Register** (75 FR 71455). Workers of The Jewelry Stream are engaged in employment related to the production of jewelry.

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 termination of investigation (issued on August 20, 2010) was based on information obtained during the initial investigation that the firm identified in the Trade Adjustment Assistance (TAA) petition ("M & L Manufacturing, Inc./The Jewelry Stream, 2520 W. 6th Street, Los Angeles, California") is not one firm but are separate, unaffiliated companies. Therefore, the Department determined that the petition is invalid.

In request for reconsideration, state workforce official stated that the individual on whose behalf the TAA petition was filed believed that the aforementioned companies are one firm. In support of the request for reconsideration, the state workforce official supplied new and additional information provided by the individual who sought assistance from the state workforce official ("I started to work for M & L Manufacturing, Inc. on August of 1990, but for some reason and without notification I started to receive my checks in 2005 under the name of The Jewelry Stream \* \* \* I was under the impression that I had worked for the same company from 1990 to 2008.")

During the reconsideration investigation, the Department received information from the individual on whose behalf the TAA petition was filed regarding his former employer. The individual states that he was not separated from M & L Manufacturing, Inc., but separated from The Jewelry Stream on December 18, 2008.

Therefore, the Department determines that the subject worker group consists of workers and former workers of The Jewelry Stream, Los Angeles, California.

Workers of a firm may be eligible to apply for worker adjustment assistance if they satisfy the criteria of subsection (a), (c) or (f) of Section 222 of the Act, 19 U.S.C. 2272(a), (c), (f). For the Department of Labor to issue a certification for workers under Section 222(a) of the Act, 19 U.S.C. 2272(a), the following three criteria must be met:

I. The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2282(a)(1)) requires that a significant number or proportion of the workers in the workers' firm must have become totally or partially separated or be threatened with total or partial separation.