

## APPENDIX—Continued

[Petitions instituted between 03/10/2003 and 03/14/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,156 .....	Pacific Precision Metals (Comp) .....	Laverne, CA .....	03/14/2003	03/11/2003
51,157 .....	DBM Technologies (MI) .....	Corunna, MI .....	03/14/2003	03/10/2003
51,158 .....	Stewart Apparel, Inc. (Comp) .....	Greensboro, GA .....	03/14/2003	03/06/2003
51,159 .....	Zosel Lumber (WA) .....	Oroville, WA .....	03/14/2003	03/11/2003
51,160 .....	Parkson Corporation (FL) .....	Pompano, FL .....	03/14/2003	03/11/2003
51,161 .....	Allura Corporation (UNITE) .....	Lorane-Reading, PA .....	03/14/2003	03/04/2003
51,162 .....	F/V J.C. (Comp) .....	Aleknagik, AK .....	03/14/2003	03/11/2003
51,163 .....	F/V Yo Yo (Comp) .....	Aleknagik, AK .....	03/14/2003	03/11/2003
51,164 .....	Melody Lynn (Comp) .....	Aleknagik, AK .....	03/14/2003	03/11/2003
51,165 .....	F/V Jenni Lee (Comp) .....	Aleknagik, AK .....	03/14/2003	03/11/2003
51,166 .....	F/V Double Eagle (Comp) .....	Dillingham, AK .....	03/14/2003	03/11/2003
51,167 .....	Robert Allen (Comp) .....	Kodiak, AK .....	03/14/2003	03/08/2003
51,168 .....	F/V Vaness (Comp) .....	Kodiak, AK .....	03/14/2003	03/10/2003
51,169 .....	Kathleen Lange (Comp) .....	Homer, AK .....	03/14/2003	03/13/2003

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## DEPARTMENT OF LABOR

Employment and Training  
Administration

[TA-W-41,972]

American Greetings Corporation,  
Corbin, KY; Notice of Negative  
Determination Regarding Application  
for Reconsideration

By application of November 25, 2001, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on October 10, 2001, and published in the **Federal Register** on November 5, 2001 (67 FR 67422).

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 petition for the workers of American Greetings Corporation, Corbin, Kentucky was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met.

The petitioners allege that criterion (3) was acknowledged as having been met by the Department, as established by a determination in connection with TA-W-41,255 regarding subject firm workers. To provide proof of this, they attach an untitled page of this determination.

In fact, this page was extracted from a determination which was issued as a "Notice of Negative Determination Regarding Application for Reconsideration", issued as the result of an investigation that followed the original "Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance." However, in this determination, the word "not" was inadvertently omitted in the statement "increased imports did contribute importantly to worker separations." A corrected republication in full explaining the inadvertent omission was issued and published in the **Federal Register** on July 24, 2002 (67 FR 48484).

The petitioners allege that "we have been told from various sources of management that approximately nine percent of the work done at the Corbin plant has been outsourced to other countries." They also claim that "American Greetings plans to outsource 75 percent of the work previously done at the Corbin plant to foreign countries within the next two years.

A review of the initial investigation revealed that somewhat less than nine percent of greeting card sheet production has been outsourced to offshore facilities. However, as subject firm workers are not separately identifiable, the production of party goods, gift wrap and bows (ribbons), and candles must also be taken into consideration when looking at the percentage of plant production affected by this outsourcing. When considering

imports of greeting card sheets in context with the total plant production, imports constitute a negligible percentage. In regard to any future outsourcing referenced by the petitioners, any future imports are beyond the relevant period.

The petitioners also assert that sales and production have "declined in the last eight years" and that "we have been told the record shows that imported goods \* \* \* hurt the company sales." At one point, they allege that layoffs have been occurring for the last three years, and recommend that the Department look at the last five years in assessing company trends.

In establishing worker eligibility for trade adjustment assistance, the Department considers declines that occurred in the year preceding the date of the petition. To establish whether the declines exist, the investigation requires the most recent two years of data for corresponding periods in order to ascertain whether declines have occurred in the most recent period relative to the previous period. Thus periods of five and eight years are not relevant. Further, a review of the initial investigation revealed that all sales and production declines of party goods, gift wrap and bows (ribbons) and candles that occurred in the relevant period are attributable to domestic transfer. Production of greeting card sheets increased in 2001 relative to 2000, but began to decline in January through March, 2002 relative to the corresponding period of 2001. As mentioned above, imports of greeting card sheets were negligible relative to overall production.

The petitioners also assert that laid-off company personnel are united in the belief that import impact affected layoffs, and state that "the records and