

U.S. Department of Labor

**Occupational Safety and Health Administration
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604
(312) 353-2220**



Andrew Martone
Hesse Martone
1605 Des Plaines Rd. Suite 200
St. Louis, MO 63131

Re: Keystone Steel and Wire/Bartholomew/5-6850-13-011

Dear Mr. Martone:

Attached are the Secretary's Findings for the above referenced complaint. These findings were also sent to Complainant, Mr. Daniel Bartholomew.

Complainant is afforded the opportunity to file an appeal of this dismissal with the Director of Enforcement Programs, U.S. Department of Labor-OSHA, located in Washington, D.C., within 15 days of the dismissal date. In the event that no appeal action is taken by the Complainant, this case will be considered closed.

If at any time, you have any questions or require any information regarding employee rights and employer responsibilities under Section 11(c) of the Occupational Safety and Health Act, please feel free to contact this office by mail or telephone.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Crouse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tim Crouse
Regional Supervisory Investigator

U.S. Department of Labor

**Occupational Safety and Health Administration
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604
(312) 353-2220**



Daniel Bartholomew
3300 W. Sylvan Ln.
Peoria, IL 61615

Re: Keystone Steel and Wire/Bartholomew/5-6850-13-011

Dear Mr. Bartholomew:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by you (Complainant) against Keystone Steel and Wire (Respondent) on November 8, 2012, under Section 11(c)(1) of the Occupational Safety and Health Act, 29 USC §660(c) (the Act). In brief, you alleged that Respondent issued you a three-day suspension in retaliation for reporting a work related illness.

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through her agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Region 5, issues the following findings.

Secretary's Findings

Complainant was issued a three-day suspension on or about November 8, 2012. On November 8, 2012, Complainant filed a complaint with the Secretary of Labor alleging that Respondent retaliated against him in violation of 29 USC §660(c). As this complaint was filed within 30 days of the alleged adverse action, it is deemed timely.

Respondent is a person within the meaning of 1 USC §1 and 29 USC §660(c). Respondent is engaged in the manufacture of steel wire and maintains a place of business in East Peoria, Illinois.

Complainant was employed by Respondent as a Caster. Complainant is an employee covered under 29 USC §660(c).

Numerous attempts were made to contact the Complainant. Complainant received a copy of the Respondent's position statement on February 21, 2013 along with a letter requesting he review and offer a rebuttal within ten days to the Investigator. Telephone messages were left for the Complainant on March 6, 8, and 9, 2013 requesting that he make contact with the Investigator so the investigation could proceed. On March 18, 2013, Complainant was sent a letter requesting his cooperation within ten days. Complainant received this letter on March 19, 2013 and did not attempt to make contact with the Investigator. Because of Complainant's failure to cooperate, the investigation of this complaint could not go forward. Therefore, this complaint is dismissed.

This case will be closed unless Complainant files an appeal by sending a letter to:

Directorate of Whistleblower Protection Programs
Occupational Safety and Health Administration
200 Constitution Ave., NW, Room N3112
Washington, DC 20210
(202) 693-2199

With copies to:

Regional Administrator
U.S. Department of Labor-OSHA
230 S. Dearborn Street, Room 3244
Chicago, IL 606604

Mary Ann Howe, CFE
Assistant Regional Administrator
Whistleblower Protection Program
U.S. Department of Labor-OSHA
365 Smoke Tree Plaza
North Aurora, Illinois 60542

Your appeal should explain with specificity the reason for the appeal. To be considered, an appeal must be postmarked within 15 days of receipt of this letter. If this finding is appealed, the Director of Enforcement Programs will review the case file to determine whether the investigation dealt adequately with all factual issues and the investigation was conducted fairly and in accordance with applicable laws. The outcome of an appeal is either the return of the case to the investigator for further investigation or denial of the appeal, after which the case is closed.

Sincerely,



Tim Crouse
Regional Supervisory Investigator

cc: Keystone Steel & Wire