

for its basis, the panel did not consider that this precluded use of the newer method of contrast sensitivity testing to measure visual acuity.

Consequently, the panel directed that Ms. Dixie be restored to her prior position with appropriate credit given to her retirement plan. The panel also concluded that no additional remedy was required, since Ms. Dixie, in agreement with the SLA, had continued to operate her facility pending the outcome of the arbitration proceedings.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the United States Department of Education.

Dated: October 11, 1995.

Howard Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-25617 Filed 10-16-95; 8:45 am]

BILLING CODE 4000-01-P

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on December 20, 1993, an arbitration panel rendered a decision in the matter of *C. Gene King v. Indiana Department of Human Services, Office of Services for the Blind and Visually Impaired (Case No. R-S/91-11)*. This panel was convened by the Secretary of the U.S. Department of Education pursuant to 20 U.S.C. 107d-2, upon receipt of a complaint filed by petitioner C. Gene King.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Switzer Building, Washington, D.C. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal and other property.

Background

The Indiana Department of Human Services, through its Office of Services for the Blind and Visually Impaired

(OSBVI), is the State licensing agency under the Randolph-Sheppard Act. In 1985, on an experimental basis, OSBVI offered vending locations that included both sides of the interstate highway system. Only one vendor, Mrs. Tetzlaff, who was a member of the State Committee of Blind Vendors, took a two-sided location. The other locations later were bid to commercial vendors. After studying the revenue from the highway locations, OSBVI decided that one-sided highway locations provided adequate income to a vendor, thus giving more blind vendors an opportunity to participate in the Randolph-Sheppard program. In May 1990, after consultation with the State Committee of Blind Vendors, OSBVI changed its policy and announced that highway locations would be opened and placed for bid as Randolph-Sheppard facilities, awarding only one location per vendor, with the understanding that one location meant on one side of the highway only.

Mr. C. Gene King, complainant, is a blind vendor licensed by the Indiana Department of Human Services. Mr. King has participated in the program since 1980, successfully managing a facility in Indianapolis. Mr. King contends that OSBVI discriminated against the blind in the awarding of vending facilities located along the interstate highway system by allowing Mrs. Tetzlaff to retain her vending facility located on both sides of the highway awarded to her in 1985. Mr. King believed the decision to change policy was biased since Mrs. Tetzlaff was on the State Committee of Blind Vendors. Mr. King also contended that OSBVI restricted upward mobility opportunities for blind vendors in May of 1990 when it made additional highway locations available.

Arbitration Panel Decision

On the issue of whether the decision by OSBVI to change the policy of awarding Randolph-Sheppard facilities was improperly influenced by Mrs. Tetzlaff, the panel found in favor of the State agency. The panel found that, even though Mrs. Tetzlaff was a member of the State Committee of Blind Vendors, she did not vote in any of the meetings pertaining to the policy change regarding the facilities located on the interstate highway system. The panel found that the State agency had the authority to establish new Randolph-Sheppard locations without participation of the State Committee of Blind Vendors.

The panel also found that OSBVI did not restrict the upward mobility and income of vendors in the State of

Indiana. The OSBVI was within the scope of the enabling legislation by providing additional locations in May 1990, thus creating more opportunities for additional blind vendors to earn a fair income. The panel decided that no further action was required because Mr. King could not support his contentions.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: October 11, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-25718 Filed 10-16-95; 8:45 am]

BILLING CODE 4000-01-P

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on December 27, 1994, an arbitration panel rendered a decision in the matter of *Jeana Martin v. California State Department of Rehabilitation (Docket No. R-S/92-13)*. This panel was convened by the Secretary of the U.S. Department of Education pursuant to 20 U.S.C. 107d-2, upon receipt of a complaint filed by Jeana Martin.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Switzer Building, Washington, D.C. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal and other property.

Background

The complainant, Jeana Martin, a licensed blind vendor, was assigned to operate the facility at the United States Post Office General Mail Facility (GMF) in Santa Ana, California, in 1985 by the California Department of Rehabilitation, the State licensing agency (SLA) responsible for the Randolph-Sheppard Vending Facility Program in California.

The facility consists of a snack bar/lunchroom and vending machines