

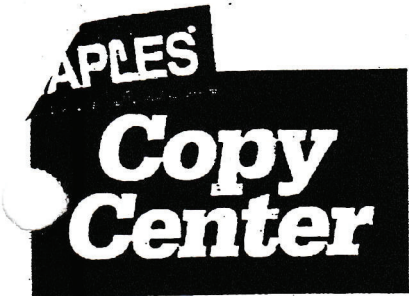
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Complimentary Fax Cover Sheet

To: JOE CHIVERS

From: JOE MYERS

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Phone # (724) 482-4726

Date: 1-8-02

Urgent Confidential Confirm Receipt

Number of Pages: 4
(including Cover)

Reply Fax #:

Message: Joe,
THIS IS THE RESPONSE LETTER THAT I RECD. FROM THE UNION IN MY REQUEST TO HAVE THE UNION APPEAL THE ARBITRATION ON MY DISCHARGE.

Joe Myers

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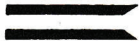
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Butler Armco Independent Union



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P.O. Box 2128
Butler, Pa. 16001
Joseph Myers
147 Heather Dr.
Butler, Pa. 16001

Dear Joseph Myers,

Enclosed is a letter from the Butler Armco Independent Union's council regarding any further action to be taken by the Union on Arbitrator Erwin J. Dean's award for BU-01-118.

Carl V. Nanni
President
Butler Armco Independent Union

MURTAGH & CAHILL

ATTORNEYS AT LAW

110 SWINDERMAN ROAD
WEXFORD, PA 15090-8613
TELEPHONE (724) 935-7555
FAX (724) 935-7099

JOHN W. MURTAGH, JR.

December 12, 2001

Mr. Carl Nanni, President
BAIU
P. O. Box 2128
Butler, PA 16003

RE: Arbitration BU-01-118 (Joseph Myers)

Dear Mr. Nanni:

The Rules Committee has asked me for my opinion concerning what action is necessary and/or appropriate in light of the recent decision by Arbitrator Irwin Dean in the above captioned matter.

As you know, the Arbitrator's Award is final and there is no further action with respect to Mr. Myers' grievance which can be undertaken by the Union in that regard. As reflected by the transcript of the arbitration hearing, the briefs submitted by the Company and the Union, and the Arbitrator's detailed and extensive award, Mr. Dean fully and fairly considered all of the issues raised before him concerning Mr. Myers' dismissal from employment for "insubordination" and his justifications presented for the same.

We strenuously argued, on Mr. Myers behalf, that he had a good faith belief that the transportation of steel coils in the manner directed by the Company was in violation of applicable Pennsylvania Motor Vehicle statutes and presented the real possibility of injury or harm to Mr. Myers and/or to someone else. Unfortunately, given the Company's evidence that this method of transportation has been utilized, and engaged in without complaint by other labor department drivers, for a good number of years, convinced the Arbitrator that there was nothing inherently unsafe or immediately perilous about this activity. In addition, although we argued that the Company's use of "registered trailers" to transport these items brought the statutory weight limits applicable on Pennsylvania highways to bear on in-plant shipments, the Arbitrator rejected this argument, principally because Mr. Myers had not raised it prior to his termination. In other words, he found that the statutory argument was an after-the-fact justification and that it did not apply under the circumstances.

Given the history, and the Arbitrator's very clear award, there is nothing further that the Union can do on Mr. Myers' behalf.

This is not to say that Mr. Myers may not choose to pursue this matter with private counsel if he wishes to do so.

The question remains whether or not continued transportation of these coils in the manner dictated by the Company may present problems for other labor department drivers. In the absence of a grievance challenging the safety of this method of transportation, not to mention the question of legality raised by Mr. Myers, the Union of course has no basis upon which to proceed with another case. Should another labor department driver feel that the methodology employed by the Company is unsafe, a grievance should be filed, but prudence dictates that the employee continue to operate as directed until that grievance is heard and resolved.

Given the further fact that no federal or state agency was able to give Mr. Myers a conclusive answer about the weight limits being in violation of state or federal law, the only other approach which the Union might take is to refer the matter to the safety coordinators and the appropriate officials of the Company for possible review in light of the arguments advanced by the Union. AK Steel is within its rights in relying on the opinions of its safety and legal personnel, and its decision to operate in this manner is very likely not going to be upset short of a conclusive demonstration, and indeed written opinion, of some appropriate federal or state agency indicating that the practice is illegal, unsafe or otherwise inappropriate.

Therefore, the only advice I can give to the Union at this time is to diligently pursue any grievance which might be filed on behalf of a labor department truck incumbent, should one be forthcoming, and to raise the matter through the safety coordinators and the appropriate Company safety officials should the issue continue to be one of concern. In light of the evidence presented during the Myers case, however, I have deep reservations as to whether or not the outcome of any such grievance or study would be different than the result reached by Mr. Dean.

If you have any further questions or comments about this matter, please do not hesitate to contact me.

Very truly yours,


John W. Murtagh, Jr., Esquire

JWMjr/cp