

Complaint against Sun ended;
JUSTICE DEPT. DROPS VISA INVESTIGATION

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Body

The **Justice** Department has **ended** its **investigation** into **Sun** Microsystems' use of H-1B work **visas**, dismissing a **complaint** made in April by a laid-off **Sun** engineer.

The engineer, Guy Santiglia, 37, lost his job in 2001 when **Sun** laid off 3,900 workers. He charged that **Sun** discriminated **against** U.S. citizens and favored H-1B **visa** holders during the layoffs and in hiring it did after that. H-1B **visas** allow foreigners to work temporarily in the United States.

Santiglia said that late last week, he received a curt e-mail from the government: "This is to inform you that the U.S. Department of **Justice** has decided not to file a **complaint** with the Office of the Chief Administrative Hearing Officer in the above-referenced case. The Department's dismissal letters will be forthcoming."

Santiglia now lives in Montana, where he hopes to start a business. "I knew this was a possibility," he said. "I think the decision was more political than based on the merits of the **investigation** and the **complaint**."

Santiglia has requested a hearing on the case from a federal administrative law judge.

A **Justice** Department spokesman couldn't be reached for comment Wednesday.

Sun spokeswoman Diane Carlini said the Santa Clara server and software company is pleased with the government's decision. "We never felt there was ever any wrongdoing," she said. "We felt confident that we would be cleared. We did everything to follow the law."

In a separate **complaint** filed by Santiglia, the Labor Department found in October that **Sun** made a clerical error in failing to post notices about its hiring of foreign workers but did not break the law. Santiglia has appealed that finding, and a hearing has been scheduled for mid-December.

The continued use of H1-B workers during the tech recession, which has led to the layoffs of thousands of U.S. citizens, has intensified **complaints** about the program. The program was intended to help employers deal with a shortage of qualified technical workers in the U.S.

"We realize there are a lot of sensitivities around these issues," Carlini said. "We are eager to put it behind us."

Carlini added that **Sun** harbors no ill will toward Santiglia. "We hope that he finds another job," she said.

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