

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 06 February 2007

Case Number: 2006-WIA-00007

In the Matter of:

MID-AMERICA ALL-INDIAN CENTER, INC.,
Complainant

v.

UNITED STATES DEPARTMENT OF LABOR,
Respondent

Before: JOHN M. VITTONI
Chief Judge

DECISION AND ORDER

This matter arises under Title I of the Workforce Investment Act (WIA), 29 U.S.C. § 2801 et seq., and the regulations issued at 20 C.F.R. § 667.800 et seq.

On June 9, 2006, the Employment and Training Administration of the United States Department of Labor (Respondent) notified Mid-America All-Indian Center, Inc., (Complainant) that its application for a grant has been denied under the WIA. On July 5, 2006, Complainant filed a request for an administrative hearing before the Office of Administrative Law Judges (Office). This Office issued a Notification of Receipt of Request for Hearing and Prehearing Order (Notice) on July 19, 2006. Complainant was instructed to file a Statement of its Intent to participate in this matter. Complainant and Respondent filed the aforementioned statement. The Notice also ordered the parties to exchange and file Prehearing Exchange information with this Office. On September 5, 2006, Respondent filed its Prehearing Exchange submission.

Due to the failure of Complainant to comply with the Notice, an Order to Show Cause was issued on October 30, 2006. Complainant was ordered to explain why a default judgment should not be entered in this matter and that failure to comply with the Show Cause Order may result in the case being dismissed. To date, Complainant has failed to file its Prehearing Exchange information.

The regulations at 29 C.F.R. § 18.6(d)(2)(v) provide that:

If a party or an officer or agent of a party fails to comply with a subpoena or with an order . . . or any other order of the administrative law judge, the administrative law judge, for the purpose of permitting resolution of the relevant issues and disposition of the proceeding without unnecessary delay despite such failure, may . . . [r]ule that a pleading, or part of a pleading, or a motion or other submission by the non-complying party, concerning which the order or subpoena was issued, be stricken, or that decision of the proceeding be rendered against the non-complying party, or both.

After reviewing the record and considering Complainant's failure to continue participation in this matter, it is hereby ORDERED that a Judgment by Default be entered against Complainant.

In light of the foregoing, this case is hereby DISMISSED.

SO ORDERED,

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JOHN M. VITTON
Chief Judge

Washington, D.C.

JMV/jsp