

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 29 August 2007**

Case Number: 2007-WIA-00001

In the Matter of:

NATIONAL PUERTO RICAN FORUM, INC.,  
Complainant

v.

UNITED STATES DEPARTMENT OF LABOR,  
Respondent

Before: JOHN M. VITTONI  
Chief Administrative Law 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 November 3, 2006, the Employment and Training Administration of the United States Department of Labor (Respondent) initially notified National Puerto Rican Forum, Inc. (Complainant), that it failed to submit an approved Indirect Cost Rate Agreement or Cost Allocation Plan as required by Grant Number AH-12184-02-60. The Grant covered the period beginning May 1, 2002, and ending July 29, 2005. In violation of WIA and its governing regulations, Respondent found questionable costs totaling \$194,989.00 in the aforementioned grant. Complainant was afforded an opportunity to file the Indirect Cost Rate Agreement or Cost Allocation Plan by November 30, 2005. Due to the failure of Complainant to file the aforementioned document, Respondent issued a Closeout Findings and Determination (FD) dated February 22, 2007. Therein, Respondent affirmed the questioned amount of \$194,989.00 in the Grant.

On March 26, 2007, Complainant filed a request for an administrative hearing on the FD with the Office of Administrative Law Judges (Office). This Office issued a Notification of Receipt of Request for Hearing and Prehearing Order (Prehearing Order)

on April 4, 2007. The parties were instructed to file certain information. On May 4, 2007, and May 21, 2007, Respondent filed the Administrative File and its Prehearing Statement in this matter, respectively. Due to the failure of Complainant to comply with the Prehearing Order, an Order to Show Cause was issued on June 13, 2007. Complainant was ordered to explain why a default judgment should not be entered in this matter and explained 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 or respond to the Order to Show Cause.

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 participate in this matter, it is hereby ORDERED that a Judgment by Default be entered against Complainant. The questioned cost in the amount of \$194,989.00 as determined in the Closeout Findings and Determination is hereby AFFIRMED.

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

SO ORDERED,

**A**

JOHN M. VITTON  
Chief Administrative Law Judge

Washington, D.C.  
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