



In the Matter of

DEPARTMENT OF LABOR,
Claimant,

CASE NO. 88-JSA-3

v.

OKLAHOMA EMPLOYMENT SECURITY
COMMISSION,
Employer.

ORDER

On June 24, 1988, Glenn T. Hardison, Grant Officer for the Employment and Training Administration, denied Employer's proposal to use certain unspent grant funds for purposes of funding additional early retirements. On August 2, 1988 Employer filed with the Secretary of Labor, a notice of its Appeal of the Grant Officer's denial and a request for an administrative hearing. On August 24, 1988, David O. Williams, Administrator, Officer of Financial and Administrative Management, forwarded Employer's request to the Office of Administrative Law Judges for docketing. On September 9, 1988, the undersigned Administrative Law Judge issued an order for certain responses by the parties, a copy of which is attached to and made a part of this Order for ease of reference. On September 30, 1988, Charles James, Counsel for the Grant Officer, filed a Motion For Stay Of Further Proceedings on this matter to allow compliance with 20 C.F.R. 658.707(b) by the Secretary of Labor. Good cause having been established and it appearing proper to do so,

IT IS ORDERED that the Order of September 9, 1988 is rescinded.

At Washington, D.C.

Entered: October 6, 1988

By:

JAMES L. GUILL
Administrative Law Judge

JLG:ga

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ORDER

Pursuant to the Executive Director of the Oklahoma Employment Security Commission's request for an administrative hearing as provided by 20 C.F.R. 658.707, this matter has been assigned to the undersigned for further proceedings. Due to the limited amount of information contained in the formal file contents, certain information is needed prior to the scheduling of this claim for hearing. Therefore,

IT IS ORDERED, that the Grant Officer, on or before, September 23, 1988, submit a statement of facts giving rise to its letter to Mr. Funston dated June 24, 1988, requiring repayment in the amount of \$10,265,653 and whether such letter constituted a notice of disallowance under 20 C.F.R. 658.702. If so the Grant Officer shall also provide the subsection application. Further, the Grant Officer shall submit his estimate of the total time needed to complete the administrative hearing, the appropriate hearing location, and his representative's avoid hearing dates for the months of October and November, 1988.

IT IS FURTHER ORDERED that the Executive Director of the Oklahoma Employment Security Commission submit on or before September 30, 1988 the reasons he believes the basis of the decision by the Grant Officer is incorrect. Such response shall be signed by the State Administrator, for Oklahoma as required by 20 C.F.R.. 658.707 if that Officer is different from the Executive Director of the Oklahoma Employment Commission. The State Administrator shall also advise of his or her expectation of time necessary to complete the hearing, the appropriate hearing location, and its representative's avoid hearing dates for the months of October and November, 1988.

Entered: SEP 9 1988

JAMES L. GUILL
Administrative Law Judge

JLG:ga