



DATE: December 6, 2000

CASE NO.: **1998-JTP-0007**

In the Matter of

**CALIFORNIA INDIAN MANPOWER
CONSORTIUM, INC. (CIMC),**
Complainant,

v.

UNITED STATES DEPARTMENT OF LABOR,
Respondent.

**DECISION AND ORDER APPROVING THE SETTLEMENT
AGREEMENT AND DISMISSING THE APPEAL
OF THE COMPLAINANT**

This matter arises under the Job Training Partnership Act (the "Act" or "JTPA"), 29 U.S. Code §1501; 20 CFR §626 *et. seq.* (Pub. L. 97--300). Complainant, California Indian Manpower Consortium, Inc. (CIMC), has appealed the final determination of Diane S. Edwards, Grant Officer in the Division of Resolution and Appeals, Employment and Training Administration, U.S. Department of Labor, dated May 6, 1998. In her final determination, the Grant Officer affirmed her initial determination, issued on January 15, 1998, and ordered Complainant, California Indian Manpower Consortium, Inc. (CIMC), to pay the total disallowed costs from nonfederal funds. Complainant has appealed the Grant Officer's final determination.

At the hearing held in Sacramento, California on June 20 and 21, 2000, counsel for the respondent stated that

The JTPA has been superseded by the Workforce Investment Act since the time of the actions addressed by this proceeding.

Section 401 provides employment and training services for Native Americans seeking to move individuals into permanent, self-sustaining employment. The Employment and Training Administration,

the ETA, within the Department of Labor administers this program at the national level, allocating resources to service delivery areas, to fund the provision of services to persons participating in Section 401 programs.

ETA has the authority under JTPA, Section 164, to disallow and to obtain the repayment of JTPA funds determined not to have been spent in accordance with the Act.

Subsequent to the hearing the parties indicated that there was a possibility of settlement.

On November 27, 2000, counsel for the respondent submitted a stipulation of dismissal signed by that counsel and by counsel for CIMC. That document reads as follows:

STIPULATION OF DISMISSAL

The parties, by their representatives, stipulate that this appeal be dismissed with prejudice on the following grounds:

1. The U.S. Department of Labor (DOL) and the California Indian Manpower Consortium ("CIMC") have entered into a settlement agreement regarding the expenditures under the above-referenced contracts that had given rise to Case No. 98-JTP-7.
2. All issues raised by this case have been resolved.

WHEREFORE, the parties respectfully request that Case 98- JTP-7 be dismissed.

The original document is a part of the record and will be attached to this order.

While the terms of the settlement have not been disclosed to the undersigned, it is noted that DOL is a party and that a representative of the agency signed the agreement.

Therefore, this case is dismissed with prejudice.

RICHARD K. MALAMPHY
Administrative Law Judge

RKM/CCB
Newport News, Virginia

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20001-8002

In the Matter of)	
CALIFORNIA INDIAN MANPOWER)	
CONSORTIUM. INC. (CIMC))	
Complainant,)	
v.)	Case No. 98-JTP-7
)	GrantNo.99-1-2058-55-203-02
U.S. DEPARTMENT OF LABOR,)	Grant No. J-43 24--13-00-8 1 -60
)	Audit Report No. 18-9G-022-03-355
Respondent.)	

STIPULATION OF DISMISSAL

The parties, by their representatives, stipulate that this appeal be dismissed with prejudice on the following grounds:

- I. The U.S. Department of Labor (DOL) and the California Indian Manpower Consortium ("CIMC") have entered into a settlement agreement regarding the expenditures under the above-referenced contracts that had given rise to Case No. 98-JTP-7.
2. All issues raised by this case have been resolved.

WHEREFORE, the parties respectfully request that Case 98-JTP-7 be dismissed.

DATED: 11/21/00

/S/ STEPHEN R. JONES
STEPHEN R. JONES, Attorney
Office of the Solicitor
U.S. Department of Labor

DATED: 10/1/00

/S/ SCOTT W. WILLIAMS, Esq.
SCOTT W. WILLIAMS, Esq.
Alexander & Karshmer
Counsel for CIMC