



DATE AUG 17 1993

IN THE MATTER OF

LOWER CREEK MUSCOGEE TRIBE  
Complainant,

v.

U.S. DEPARTMENT OF LABOR,  
Respondent

Case No. : 93-JTP-20

ORDER

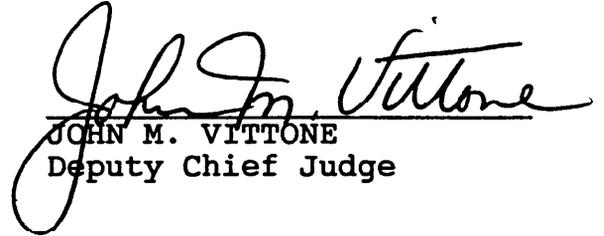
This matter arises under the Job Training Partnership Act, 29 U.S.C. 1501 et seq., and the regulations promulgated thereunder at 29 C.F.R. Part 636.

On March 1, 1993, the Employment and Training Administration, U.S. Department of Labor ("**Respondent**"), notified the Lower Creek Muscogee Tribe ('Complainant') that its application for designation as a Job Training Partnership Act, Title IV, section 401 grantee for program years 1993 and 1994 had been completed and that its application had been denied. By letter dated March 9, 1993, Complainant filed a petition for reconsideration in accordance with 20 C.F.R. § 632.13. On April 13, 1993, Respondent notified Complainant that the denial of its application would not be changed. On May 10, 1993, Complainant filed a request for hearing before an administrative law judge in accordance with 20 C.F.R. § 636.10. A Notification of Receipt of Request for Hearing and Prehearing Order was issued by the undersigned on May 18, 1993. Complainant filed its Response to the Prehearing Order on June 17, 1993. Respondent filed its Response to the Prehearing Order on June 22, 1993.

On July 7, 1993, the Florida Governor's Council on Indian Affairs, Inc. ("Council") filed a request to participate as a party-in-interest in this matter. Under applicable regulations, a party has a right to **intervene** in an action if the administrative law judge determines that: 1) the final decision could directly and adversely affect the party; 2) the party may contribute materially to the disposition of the proceedings; and 3) the party's interest is not adequately represented by the existing parties. 29 C.F.R. § 18.10(b). It is not apparent from the administrative record that the Council meets the requirements of C.F.R. § 18.10(b) and (c) to intervene in this matter and its letter dated June 29, 1993 did not contain any support for its request.

Accordingly, it is hereby ORDERED that the Council submit on or before thirty (30) days from the date of this Order a statement in support of its request to intervene,

addressing the requirements set out at 29 C.F.R. § 18.10(b) and (c). It is further ORDERED that Complainant submit on or before thirty (30) days from the date of this Order a statement of position on the Council's request to intervene.

  
JOHN M. VITTON  
Deputy Chief Judge

Washington, DC

JMV/RPF/mb

SERVICE SHEET

CASE NAME: Lower Creek Muscogee Tribe

CASE No.: 93-JTP-20

TITLE OF DOCUMENT: Order

This is to certify that the above-referenced document was sent by regular mail on the 17th day of August 1993 to the following:

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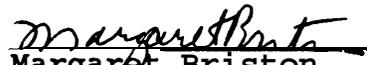
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