



In the Matter of

DELILAH WHITECLOUD AMERICAN
INDIAN COUNCIL, INC.

Date Issued: JUN 04, 1992

Case No.: 91-JTP-28

Complainant

versus

U.S. DEPARTMENT OF LABOR

Respondent

and

COUNCIL OF THREE RIVERS AMERICAN
INDIAN CENTER, INC.

Party-in-Interest

ORDER

On May 15, 1992, I issued an Order to Show Cause as to why the Delilah Whitecloud United Cherokee Tribe of Kentucky, Inc. should not be made a Party-in-Interest to this proceeding. Responses were received from both the Complainant and the Respondent.

Following consideration of this matter, IT IS ORDERED that the Delilah Whitecloud United Cherokee Tribe of Kentucky, Inc. has no standing to participate as a Party-in-Interest in this proceeding and, therefore, its request in that regard is hereby denied. That conclusion is based upon the following:

As was noted in my Order of May 14, 1992 in which the Council of Three Rivers American Indian Center, Inc. was added as a Party-in-Interest to this proceeding with full rights of participation, a party whose grant is threatened with termination must be given an opportunity to defend itself. The regulations also provide that an applicant for designation as a grantee which is refused that designation in whole or in part may file a Petition for Reconsideration with the Grant Officer. 20 C.F.R. §632.13(a). Following reconsideration by the Grant Officer, and assuming that the Grant Officer ultimately concludes that the original determination made was correct, then provision is made for the denied applicant to request a hearing pursuant to 20 C.F.R. Part 636. 20 C.F.R. §632.13(a)(4). I find no other provision in the regulations granting

standing to participate by other third party entities.

Therefore, the request by Delilah Whitecloud United Cherokee Tribe of Kentucky, Inc. to participate as a Party-in-Interest must be denied.

RUDOLF L. JANSEN
Administrative Law Judge