

THE UNDER SECRETARY OF LABOR
WASHINGTON, D. C.
20210



_____))
In the Matter of))
))
State of Maryland,) Case No. 81-WPA-4
Department of Human))
Resources))
))
_____))

Order on Remand

This proceeding involves an appeal by the State of Maryland's Department of Human Resources from the Grant Officer's Final Notice of Noncompliance disallowing certain expenditures pertaining to Maryland's Work Incentive (KIN) Program. Appellant requested a hearing, and this matter was referred to the Office of Administrative Law Judges for hearing. Acting for the Grant Officer, the Solicitor of Labor filed a motion to dismiss the proceeding on the ground that the Administrative Law Judge lacked jurisdiction to hold a hearing and that the Grant Officer's disallowance was the final agency action in this matter. Appellant opposed the motion to dismiss arguing that it filed a timely request for hearing. On August 22, 1983, Deputy Chief Administrative Law Judge Everette E. Thomas issued an Interlocutory Order for the purpose of obtaining "a ruling from the Secretary of Labor as to whether the Office of Administrative Law Judges **has jurisdiction** of this matter, and if so, under what authority."

The Interlocutory Order is, in effect, a request for an advisory opinion. Inasmuch as this case is before the

administrative law judge for decision, it is not appropriate
*that I furnish an advisory opinion. Accordingly, I remand
this case, along with the administrative file, to the admini-
strative law judge for a determination of the issues before
him, including the issue of jurisdiction.

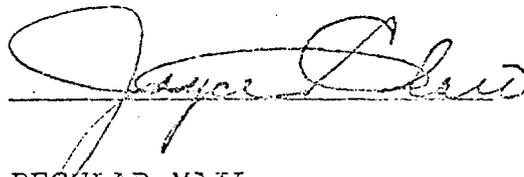

Under Secretary of Labor

OCT 25 1984

CERTIFICATE OF SERVICE

Case No. 81-WPA-4
Case Name: State of Maryland
Document Title: Order on Remand

I certify that a copy of the foregoing was sent to the following individuals on October 25, 1984.



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