

U.S. DEPARTMENT OF LABOR

10/26/85

SECRETARY OF LABOR
WASHINGTON, D.C.

In the Matter of)	
)	
Milwaukee County, Wisconsin,)	
Petitioner)	
)	
v.)	Case No. 80-CETA-146
)	
William E. Brock, Secretary)	
of the United States)	
Department of Labor,)	
Respondent)	

REMAND ORDER

This case is before me pursuant to remand from the United States Court of Appeals for the Seventh Circuit, Milwaukee County, Wisconsin v. William E. Brock, Secretary of the United States Department of Labor, (Docket No. 84-1067; decided August 6, 1985).^{1/} The court ordered reinstatement with modification, of the corrective action set forth in the Grant Officer's Final Determination. The court determined that the comprehensive wage review ordered by the Administrative Law Judge was not appropriate given the probability that many of the former participants in the programs under the Comprehensive Employment and Training Act (CETA), 29 U.S.C. §§ 801-999 (Supp. v 1981), would not be found even if monies were due them. The court then reinstated the corrective action set forth in the Grant Officer's Final Determination with the following provisions:

We note, however, that the Final Determination required that the County notify all **CETA** participants to submit claims if they believed they were underpaid. This places an inappropriate burden on the participants as it calls

^{1/}A copy of the opinion is attached to this Order.

for a threshold determination on their part that they are in fact entitled to additional compensation. Thus, the initial notice must simply instruct those individuals who participated in CETA programs during the relevant period to come forward; the records of the individuals who are located will then be analyzed by the Petitioner [Milwaukee County]. The Secretary should determine the proper form of notice to be sent to the former CETA employees and set the appropriate procedure and schedules for the subsequent record review and reimbursement. (slip opinion at 25) (emphasis in original)

Accordingly, it is ORDERED that this case IS **REMANDED** to the Office of Administrative Law Judges of this Department for further proceedings consistent with the court's opinion.

OCT 31 1985
Dated:
Washington, DC.



Secretary of Labor

CERTIFICATE OF SERVICE

Case Name: Milwaukee County, Wisconsin v. William E. Brock,
Secretary of the United States Department of Labor,

Case No.: 80-CETA-146

Document: Remand Order

A copy of the above-referenced document was sent to the following persons on October 31, 1995.

Dolores Bongas

CERTIFIED MAIL

Honorable Nahum Litt
Office of Administrative Law
Judges
1111 20th Street, N.W.
Washington, D.C. 20036

Honorable Robert S. Amery
Office of Administrative Law
Judges
1111 20th Street, N.W.
Washington, D.C. 20036

William **DuRoss**, III
Office of the Solicitor
Attn: Harry Sheinfeld, Esq.
Dept. of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

David O. Williams
Administrator, Office of Program
& Fiscal Integrity, ETA
601 D Street N.W.
Washington, D.C. 20210

Office of the Regional Solicitor
230 S. Dearborn Street
Chicago, IL 60604

Mary B. Griswold
John A. Plano
Executive Director
Worker Rights Institute
818 East Juneau Ave.
Milwaukee, Wisconsin 53202

Charles D. **Clausen**, Esq.
David P. Lowe, Esq.
Mary J. **Mountin**, Esq.
William S. Roush, Jr., Esq.
Friebert & Finerty
710 No. Plankinton Ave.
Milwaukee, Wisconsin 53202

James T. **McClutchy**, Esq.
Corporation Counsel
Room 303 Courthouse
910 No. 9th Street
Milwaukee, Wisconsin 53233

John H. Kropp
2189 West Maine Ave.
Milwaukee, Wisconsin 53209

Mr. Douglas G. Cochennour
Grant/Contracting Officer
U.S. Department of Labor/ETA
601 D Street, N.W. Room 5106
Washington, D.C. 20213