

**U.S. DEPARTMENT OF LABOR**

SECRETARY OF **LABOR**  
WASHINGTON, D.C.

\_\_\_\_\_)  
In the Matter of )  
U.S. **DEPARTMENT OF LABOR** )  
v. ) Case No. **83-CTA-211**  
UTAH RURAL **DEVELOPMENT CORPORATION**)  
\_\_\_\_\_)

REMAND ORDER

On July 23, 1985, United States Department of Labor Administrative Law Judge (ALJ) Thomas Schneider issued a decision in this case dismissing this proceeding. The **ALJ's** decision was based on the interpretation of Section 106(b) of the Comprehensive Employment and Training Act (CETA), 29 U.S.C. § 816(b) (Supp. V 1981), by the United States Court of Appeals for the Ninth Circuit in City of Edmonds v. United States Department of Labor, 749 F.2d 1419 (1984). That decision held that the failure of a Grant Officer to issue a final determination within 120 days from receipt of a complaint or a final audit report was a jurisdictional bar which prevented the Secretary from pursuing a case. The Department appealed the issue of that interpretation to the Supreme Court which, in a unanimous opinion, rejected the Ninth Circuit's interpretation and held that the Secretary does not lose the power to recover misused CETA funds after the **expiration** of the **120-day** period specified in **§ 106(b)**. Brock v. Pierce County, 54 U.S.L.W. 4476 (U.S. May 19, 1986), reversing Pierce County v. United States, 759 F.2d 1398 (9th Cir. 1985).

The **ALJ's** decision in this case was stayed by my Order of November 4, 1985, pending the decision in Pierce County. **Counsel** for the Grant Officer has moved that the **ALJ's** order of dismissal be vacated and that this case be remanded for a hearing on the merits. Upon consideration of the Court's ruling in Brock v. Pierce County and the record, the stay in this case IS LIFTED and the Grant Officer's motion IS GRANTED.

Accordingly, the July 23, 1985, order of dismissal IS VACATED and this case IS REMANDED to ALJ Schneider for proceedings on the merits.

SO ORDERED.

  
Secretary of Labor

Dated: JUN 30 1986  
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: Utah Rural Development Corp. v. U.S. Department  
of Labor

Case No. : 83-CTA-211

Document : Remand Order

A copy of the **above-referenced** document was sent to the following  
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