

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

In the Matter of)
)
ACTION, INC., OKLAHOMA) Case No. 81-CTA-127
)

REMAND ORDER

On April 30, 1986, the United States Court of Appeals for the Tenth Circuit issued the attached decision in Action, Inc. v. Donovan, No. 84-1826, concerning the Secretary's decision that Action had improperly expended funds under the Comprehensive Employment and Training Act (CETA), 29 U.S.C. §§ 801-999 (Supp. V 1981).^{1/} The court of appeals affirmed the Secretary's decision in part and vacated and remanded it in part to the Secretary for consideration- of various issues.^{2/} Accordingly, except for the issue of- waiver of recoupment of

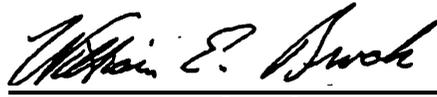
^{1/}CETA was repealed effective October 12, 1982. The replacement statute, the Job Training Partnership Act, 29 U.S.C. §§ 1501-1781 (1982), provided that pending proceedings under CETA were not affected. 29 U.S.C. § 1591(e).

^{2/}Since the Secretary did not modify or vacate the Decision and Order of the Administrative Law Judge, In the Matter of Action, Inc., Oklahoma, Case No. 81-CTA-127, March 12, 1984, it became the final decision of the Secretary. 20 C.F.R. § 676.91(f) (1983).

certain costs on the basis of equitable considerations,
slip op. at 14-15,^{3/} all issues directed to the Secretary for
consideration are remanded to Administrative Law Judge (ALJ)
G. Marvin Bober, See 5 U.S.C. § 554(d) (1982), for a recommended
decision containing findings and conclusions consistent with
the instructions of the court of appeals.

The ALJ's recommended decision shall be submitted to me
within ninety days of the issuance of this order. The present
record may be supplemented by the receipt of additional evidence,
testimony and arguments necessary for the ALJ's consideration
of the issues. The Grant Officer, Action, Inc., and Cleveland
County, Oklahoma, shall be parties to this proceeding.

SO ORDERED.


Secretary of Labor

Dated: **AUG 19 1986**
Washington, D.C.

^{3/}See Onslow County, North Carolina v. United States Department
of Labor, 774 F.2d 607, 614 (4th Cir. 1985).