

**U.S. DEPARTMENT OF LABOR**

SECRETARY OF LABOR  
WASHINGTON, D.C.

DATE: February 18, 1987  
CASE NO.: 81-CETA/A-69

**IN THE MATTER OF**

SUSQUEHANNA EMPLOYMENT AND  
TRAINING CORPORATION

BEFORE: THE SECRETARY OF LABOR

ORDER DENYING PETITION NUNC PRO TUNC  
FOR EQUITABLE RELIEF

Susquehanna Employment and Training Corporation (SETCO) has petitioned the Secretary of Labor to exercise his discretion with respect to a debt of **\$90,636.42** which SETCO acknowledged and proposed to repay in a stipulation of settlement and dismissal entered into between SETCO and the Department of Labor on March 28, 1984. The stipulation was entered into in settlement of **\$1,202,733.00** of questioned expenditures by SETCO while it was a grantee under the Comprehensive Employment and Training Act (CETA), 29 **U.S.C. §§** 801-999 (Supp. V 1981).

SETCO has not remitted the stipulated amount and is the defendant in a suit to collect the debt filed by the Department of Justice in the United States District Court for the Middle District of Pennsylvania, Case No. CV-86-1115.

**SETCO's** petition does not state the specific relief it seeks nor does it present any reason why the 1984 settlement agreement should be vitiated. The petition cites two **cases,**

Onslow County, North Carolina v. United States Department of Labor, 774 F.2d 607 (4th Cir. 1985), and Action, Inc. v. Donovan, 789 F.2d 1453 (10th Cir. 1986) as support for its contention that the Secretary has discretion and **must** exercise it in writing and with reasons concerning whether he will forgive CETA grantees of their obligation to repay misspent CETA funds. Even if this were a proper statement of the law, but see Bennett v. Kentucky Department of Education, 470 U.S. 656, 662-665 (1985), Bennett v. New Jersey, 470 U.S. 632, 646, (1985), neither of petitioner's cases dealt with a settlement where the grantee had expressly withdrawn its request for a hearing. Neither Onslow County nor Action, Inc. affords any basis for me to entertain SETCO's petition.

Accordingly, the Petition **Nunc Pro Tunc** IS DENIED.

SO ORDERED.

  
Secretary of Labor

Washington, D.C.

CETIFICATE OF SERVICE

Case Name: Susquehanna Employment and Training Corporation

Case No. : **81-CETA/A-69**

Document : Order Denying Petition **Nunc Pro Tunc** For Equitable Relief

A copy of the above-referenced document was sent to the following persons on FEB 18 1987 .



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