

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: MAR 18 1996
CASE NO. 90-JTP-5

IN THE MATTER OF
TEXAS DEPARTMENT OF COMMERCE,
COMPLAINANT,
and
FORT WORTH CONSORTIUM,
COMPLAINANT/INTERVENOR,
v.
U. S. DEPARTMENT OF LABOR,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER

The Secretary's Decision and Order (D. and O.) in this case was issued on November 1, 1993. That decision affirmed the Administrative Law Judge's (ALJ) decision of March 16, 1993, affirming the Grant Officer's determination to disallow \$385,933 of administrative costs improperly charged to training costs by the Complainants. D. and O. at 10. The decision also required the Grant Officer to: (1) determine whether there were **additional** allowable costs that should be credited to the disallowed costs total; (2) determine whether allowable stand-in costs had been timely presented; and (3) whether other sanctions in **lieu of**

repayment might not be more appropriately levied against the Complainants. *Id.* at 10-11.

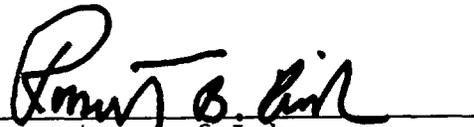
The Grant Officer submitted a Supplemental Memorandum to the Secretary on June 7, 1994, addressing the items listed above. **Complainant/Intervenor**, Fort Worth Consortium, petitioned the United States Court of Appeals for the Fifth Circuit for review on November 30, 1993, Docket No. 93-5543. The November 1, 1993 decision was not interpreted as constituting a final order as required by Section 168(a)(1) of the Job Training Partnership Act, 29 U.S.C. 1578(a) (1), to perfect the filing of a review petition. The appeal, without opposition, was dismissed without prejudice, on August 17, 1994.

This Final Order is issued to address that situation.

ORDER

Pursuant to the information submitted by the Grant Officer's Supplemental Memorandum of June 7, 1993, I find that the Grant Officer properly disallowed \$385,933, and the State of Texas Department of Commerce IS ORDERED to repay such amount to the United States Department of Labor in non-Federal funds.

SO ORDERED.


Secretary of Labor

Washington, D.C.

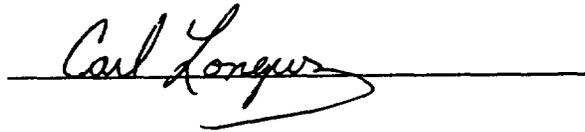
CERTIFICATE OF SERVICE

Case Name: Texas Department of Commerce and Fort Worth Consortium v. U.S. Department of Labor

Case No. : 90-JTP-5

Document : Final Order

A copy of the above-referenced document was sent to the following persons on MAR 18 1996.



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