



DATE: JAN 8 1991

IN THE MATTER OF

JOB SERVICE NORTH DAKOTA,  
Complainant

v.

U.S. DEPARTMENT OF LABOR,  
Respondent

CASE No.: 90-JTP-34

**ORDER OF DISMISSAL**

This matter arises under the Job Training Partnership Act (JTPA) and its regulations found at 20 C.F.R. §626 et seq.

On December 5, 1990, Respondent, the U.S. Department of Labor (DOL) filed a motion to dismiss this proceeding because a subsequent case, **91-JTP-5**, involves identical issues and facts. Case no. **91-JTP-5** resulted from the Grant Officer amending the Final Determination that was the subject of an appeal filed with this office by Complainant, Job Service of North Dakota (JSND), in case no. **90-JTP-34**. JSND in turn filed an amended appeal which this office docketed as **91-JTP-5**. Therefore, the amended **appeal, 91-JTP-5**, actually concerns the same issues as **90-JTP-34**, except that a cost disallowance in Finding I(e) of the original Final Determination has now been resolved and therefore is not at issue.

DOL states that JSND has been informed about the Motion to Dismiss and has made no objection. Therefore, Case No. **90-JTP-34** is hereby DISMISSED.

  
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JOHN M. VITTON  
Deputy Chief Judge

JMV/JF/mb

E-ALJ-000363

**SERVICE SHEET**

CASE NAME: JOB SERVICE NORTH DAKOTA

CASE NO.: **90-JTP-34**

TITLE OF DOCUMENT: ORDER TO DISMISS

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