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U.S. Department of Labor

Office of Administrative Law Judges
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CASE NO. 90-JTP-00008

IN THE MATTER OF:

YA-KA-AMA INDIAN EDUCATION AND
DEVELOPMENT, INC.,



v.

UNITED STATES DEPARTMENT OF
LABOR,

ORDER OF DISMISSAL

On July 10, 1990 the Office of the Solicitor, U.S. Department of Labor filed a copy of the government's letter to the plaintiff herein, which advised that upon review of the plaintiff's pretrial submissions and other relevant records, the government had reassessed and revised the Final Determination of August 29, 1989, thereby allowing the previously disallowed costs, which effectively resolves the dispute between the parties in its entirety.

Accordingly, on July 16, 1990, the plaintiff filed notice that it was withdrawing its appeal.

Wherefore, the above referenced matter is hereby Dismissed pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, 25 U.S.C.A.

So ordered this 16th day of July, 1990 at San Francisco, California.

Vivian Schreter-Murray
VIVIAN SCHRETER-MURRAY
Administrative Law Judge

VSM:brt

Richard C. Rindone
Associate Director
YA-KA-AMA Indian Education and
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6215 Eastside Road
Forestville, CA 95436

Mr. David Peri, Chairman
YA-KA-AMA Indian Education and
Development Inc.
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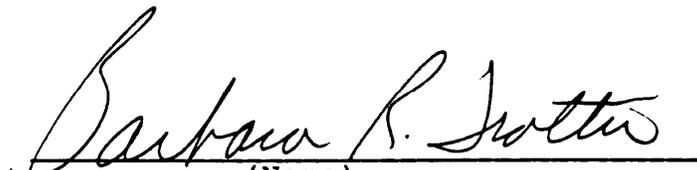
Harry Sheinfeld, Counsel for
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SERVICE SHEET

90-JTP-8

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(Name)

JUL 16 1990

(Date)

recipient or under other applicable laws. S. Rep. No. 97-469, 97th Cong., 2d. Sess., reprinted in 1982 U. S. Code Cong. & Ad. New3 2690; H. Conf. Rep. No. 97-889, 97th Cong., 2d. Sess., reprinted-in 1982 U. S. Code & Ad. New3 2744. The Congressional intent is codified in Section 166(a) of the Job Partnership Training Act.

It is clear from the pertinent provisions of the Job Partnership Training Act and the Congressional history of such Act that the right to request a hearing before an administrative law judge of the Department of Labor when the Secretary has made a determination not to award financial assistance is restricted to the applicant for financial assistance. Since the St. Louis Vietnam Veteran's Leadership Program was not the applicant for financial assistance, it is not the proper party to request a hearing before an administrative law judge of the Department of Labor.


Daniel Lee Stewart
Administrative Law Judge

NOTICE OF APPEAL RIGHTS. Pursuant to 20 C.F.R. § 725.481, any party dissatisfied with this order may appeal it to the Benefits Review Board within 30 days from the date of this order by filing a notice of appeal with the Benefit's Review Board, 1111 20th Street, N.W., Suite 757, Washington, D.C. 20036.

SERVICE SHEET

CASE NAME: ST. LOUIS VIETNAM VETERANS
LEADERSHIP PROGRAM, INC. CASE NO.: 85-JTP-2

TITLE OF DOCUMENT: ORDER OF DISMISSAL

Copies of this document have been mailed to the following:

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