

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 13 March 2017 IN THE MATTER OF:**

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,  
Plaintiff,

Case No. 2017-OFC-00011

v.

ACCUWEATHER, INC.,  
Defendant.

Appearances:

Oscar L. Hampton, III, Esq. and Patrick M. Dalin, Esq.,  
For the Plaintiff

Justin A. Chiarodo, Esq.,  
For the Defendant

**RECOMMENDED DECISION AND ORDER GRANTING DISMISSAL OF  
COMPLAINT DUE TO DEFENDANT'S VOLUNTARY COOPERATION**

The above-captioned case arises under the provisions of Executive Order 11246 (30 Fed. Reg. 12319), as amended, and the rules and regulations issued thereunder at 41 C.F.R. Chapter 60, pertaining to the contractual and legal obligations imposed on government contractors and subcontractors. A hearing in this matter is scheduled for March 21, 2017, before the undersigned administrative law judge.

On March 3, 2017, I issued an Order on the jurisdictional issue raised by the Defendant in its Answer to the Complaint in this matter. I determined that the undersigned and OFCCP had proper jurisdiction in this matter as the Defendant AccuWeather, Inc. is a federal contractor within the meaning of the Executive Order 11246 as amended and it's implementing regulations. In that Order I also ordered the parties to show cause on or before March 10, 2017, as to why the March 21, 2017 hearing should not be cancelled and a decision issued based upon the record in this matter.

Plaintiff responded on March 9, 2017 informing the Court that Defendant had agreed to comply with the OFCCP's requested on-site investigation and therefore a hearing in this matter would not be necessary. On March 10, 2017, the Defendant confirmed that it had conferred with the Plaintiff, OFCCP, and had scheduled an on-site investigation in compliance with the Plaintiff's request. Defendant submits that the issues presented in the complaint are now moot

due to its voluntary cooperation in this matter. Therefore the Defendant requests that the case be dismissed without the imposition of the remedies sought in the complaint.

### **ORDER**

The Complaint and request for expedited hearing in this matter under 41 C.F.R § 60-30.31, were based upon the Defendant's refusal to comply with OFCCP's request for an onsite investigation. As the Defendant has agreed to voluntarily cooperate with the Plaintiff's request for an onsite investigation, it is hereby recommended that the Complaint be dismissed and no other remedy requested in the complaint be imposed at this time. The **March 21, 2017** hearing is **CANCELLED**.

RICHARD A. MORGAN  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file exceptions ("Exceptions") with the Administrative Review Board ("Board") within ten (10) days of the date of receipt of the administrative law judge's recommended decision.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. E-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step-by-step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov).

If filing paper copies, you must file an original and four copies of the Exception with the Board together with one copy of this decision. If you e-File your Exception, only one copy need be uploaded.

Exceptions may be responded to by other parties. Responses must be filed with the Board within seven (7) days after receipt of the Exceptions. Briefs or Exceptions and responses shall be served simultaneously on all other parties to the proceeding. *See* 41 C.F.R. §60-30.36.

After expiration of the time for filing Exceptions, the Board is to issue a final Administrative Order which shall be served on all parties. If the Board does not issue a final Administrative Order within thirty (30) days after the expiration of the time for filing exceptions, this recommended decision shall become a final Administrative Order which shall become effective on the thirty-first (31<sup>st</sup>) day after expiration of the time for filing exceptions. *See* 41 C.F.R. §60-30.3y; *see also* 41 CFR 60-30.30 (which is applicable to the Board's review of this recommended decision, except as to specific time periods).