

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 15 October 2018

CASE NO.: 2017-OFC-00006

In the Matter of:

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, U.S.
DEPARTMENT OF LABOR,**

Plaintiff,

vs.

ORACLE AMERICA, INC.,

Defendant.

ORDER GRANTING MOTION TO REASSIGN

This matter arises under Executive Order 11246 (30 Fed.Reg. 12319), as amended, and associated regulations at 41 C.F.R. Chapter 60. It is not currently set for hearing.

Plaintiff moves for an Order reassigning this case for decision to another Administrative Law Judge under *Lucia v. Securities And Exchange Commission*, ___ U.S. ___, 138 S.Ct. 2044, 201 L.Ed.2d 464, 2018 U.S. LEXIS 3836, 2018 WL 3057893 (2018). What is more, before the Supreme Court issued its decision in the *Lucia* case, I denied Defendant's motion to disqualify me from hearing this case on the grounds an Administrative Law Judge is an "officer" of the United States, and I had, at the time of Defendant's motion, not been appointed to office consistent with the Appointments Clause of the Constitution, U.S. Const. art. II, §2.

While the Secretary of Labor appointed me on December 21, 2017, I took significant action in this case before that appointment. Under *Lucia*, I should have granted Defendant's motion, and must now grant Plaintiff's motion to reassign this

case. At the direction of the District Chief Administrative Law Judge, I transfer this case to Administrative Law Judge Richard M. Clark for all further proceedings.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge