



Issue Date: 27 July 2009

Case No.: 2009-WIA-00002

In the Matter of

KIOWA TRIBE OF OKLAHOMA,
Complainant

v.

UNITED STATES DEPARTMENT OF LABOR,
Respondent

ORDER OF DISMISSAL

This matter arises under the Workforce Investment Act, 29 U.S.C. §§ 2801 *et seq.*, and the administrative adjudication regulations at 20 C.F.R. §§ 667.800 *et seq.* On March 26, 2009, the undersigned issued a *Notification of Receipt of Request for Hearing and Prehearing Order* that instructed the parties to file prehearing exchange information within 45 days of the order's issuance. On May 6, 2009, the above-named Respondent filed a *Motion for Extension of Time*, which was granted in a May 14, 2009, order. Having received nothing further from the parties, the undersigned issued a July 1, 2009, *Order to Show Cause*. On July 17, 2009, the Respondent filed a motion for an extension of time in which to file the prehearing exchange documents. On July 24, 2009, the Respondent filed a motion to dismiss. Therein, the Respondent stated, "The parties reached a settlement agreement in complete resolution of the case and that agreement has been signed by both sides." The Respondent attached the signed settlement agreement. The foregoing obviates the need for further proceedings before this Office. Accordingly,

It is hereby **ORDERED** that the Respondent's motion is **GRANTED**, and this matter is **DISMISSED**.

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JOHN M. VITTONI
Chief Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file exceptions ("Exception") with the Administrative Review Board ("Board") within twenty (20) days of the date of issuance of the

administrative law judge's decision. *See* 20 C.F.R. § 667.830. The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Your Exception must specifically identify the procedure, fact, law, or policy to which exception is taken. You waive any exceptions that are not specifically stated. Any request for an extension of time to file the Exception must be filed with the Board, and copies served simultaneously on all other parties, no later than three (3) days before the Exception is due. *See* 20 C.F.R. § 667.830; Secretary's Order 1-2002, ¶4.c.(42), 67 Fed. Reg. 64272 (2002).

A copy of the Exception must be served on the opposing party. *See* 20 C.F.R. § 667.830(b). Within forty-five (45) days of the date of an Exception by a party, the opposing party may submit a reply to the Exception with the Board. Any request for an extension of time to file a reply to the Exception must be filed with the Board, and a copy served on the other party, no later than three (3) days before the reply is due. *See* 20 C.F.R. § 667.830(b).

If no Exception is timely filed, the administrative law judge's decision becomes the Final Decision and Order of the Secretary of Labor pursuant to 20 C.F.R. § 667.830(b) unless the Board notifies the parties within thirty (30) days of the date of issuance of the administrative law judge's decision that it will review the decision. Even if an Exception is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the filing of the Petition notifying the parties that it has accepted the case for review. *See* 20 C.F.R. § 667.830(b).