

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 September 2012 DATE:

CASE NO.: 2011-WIA-00011

In the Matter of:

NATIONAL URBAN LEAGUE,
Complainant,

v.

U.S. DEPARTMENT OF LABOR,
Respondent.

ORDER OF DISMISSAL

This matter arises under the Workforce Investment Act (WIA), 29 U.S.C. §§ 2801 *et seq.*, and the implementing regulations at 20 C.F.R. Parts 652 and 660 through 670; and 29 C.F.R. Part 37. Complainant, the National Urban League (NUL), petitioned for review of two \$8.5 million grants awarded by Respondent, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), under Solicitation for Grant Applications SGA/DFA PY 10-09.

Background and Procedural History

Section 171(b)(1)(E) of the Workforce Investment Act (WIA or the Act) authorizes grant funding for projects aimed at increasing the employment rates of out-of-school youth residing in targeted high poverty areas. Pursuant to DOL regulations, grants under this section are awarded in a competitive basis. 20 C.F.R. § 667.105(g). When funding becomes available, ETA publishes a Solicitation for Grant Applications (SGA) in the Federal Register to announce the deadlines and criteria by which interested organizations can apply for funding. The awards process is overseen by an ETA grant officer, who is responsible for ensuring that grants are awarded in accordance with the SGA and applicable laws and regulations. Unsuccessful applicants may appeal a grant officer's final award determination to the Office of Administrative Law Judges (OALJ). 20 C.F.R. § 667.800 (c).

This case arises from an SGA, SGA/DFA PY 10-09, that announced the availability of two \$8.5 million grants to serve juvenile offenders, age 16 to 24, in high-poverty, high-crime communities. The grants were to be awarded through a competitive process open to national and regional intermediaries with experience conducting multi-site projects and experience serving young adult offenders.

On August 15, 2011, DOL selected YouthBuild U.S.A. and Mid-Atlantic Network of Youth and Family Services as the awardees. On August 29, 2011, the NUL appealed its non-selection. I conducted a hearing in this matter on June 11, 2012. Prior to issuing a decision in this matter, the parties notified me that they had reached a settlement resolving all issues in the case.

Stipulations

On September 14, 2012, I received the parties' Agreed Stipulation and a copy of the executed Settlement Agreement. These two documents are hereby incorporated by reference into this Order of Dismissal.

The parties stipulate that they have reached a settlement of all issues in the case. The parties further stipulate that the NUL is a prevailing party and DOL's position lacked substantial justification for the purpose of awarding fees and expenses under the Equal Access to Justice Act. DOL agrees to pay NUL's counsel, Skadden Arps Slate Meagher & Flom LLP, the sum of \$166,689.50 to resolve any and all claims for attorney's fees and costs. NUL further waives its right to recover any other sums from DOL in connection to this appeal.

ORDER

Based on the parties' resolution of all issues and subject to the terms of the Settlement Agreement between NUL and DOL, Case No. 2011-WIA-00011 is **DISMISSED** with prejudice.

SO ORDERED.

STEPHEN M. REILLY
Administrative Law Judge