



**Issue Date: 09 November 2011**

**CASE NOS.: 2010-WIA-00004  
2011-WIA-00004**

**In the Matter of:**

**STATE OF NEBRASKA, DEPARTMENT OF LABOR,  
Complainant,**

**v.**

**UNITED STATES DEPARTMENT OF LABOR,  
Respondent.**

**ORDER OF CONSOLIDATION AND  
FINAL ORDER OF DISMISSAL**

The instant cases have been brought under the Workforce Investment Act (WIA), 29 USC § 2801 *et seq*; the Unemployment Insurance (UI) program; and other grant programs., based upon final determinations of February 18, 2010 and February 11, 2011, respectively. Implementing regulations for the WIA Program appear, inter alia, at 20 C.F.R Part 667. Both cases are now assigned to the undersigned administrative law judge, and being consolidated for hearing purposes.

Under cover letter of November 7, 2011, counsel for the Department of Labor, on behalf of both parties, advised that the parties had resolved the above-captioned matter and submitted a separate “Joint Stipulation of Dismissal with Prejudice” executed by all the parties for each of the two cases. In each of the Joint Stipulations, the parties advised that they entered into a Settlement Agreement dated October 31, 2011 which resolves the issues and, under the terms of the Agreement, the parties sought dismissal with prejudice. *See generally* Rule 41(a) of the Federal Rules of Civil Procedure; 29 C.F.R. §18.1(a), 20 C.F.R. §667.810. The settlement agreement has not been submitted for review.

Although settlement agreements may be submitted to administrative law judges for approval in cases involving grants under the WIA or similar programs, there is no requirement that they be submitted. *See generally Indiana Dept. of Workforce Development v. U.S. Dept. of Labor*, 1997-JTP-15 (Admin. Review Bd. Dec. 8, 1998) (holding ALJ has no authority to require submission of settlement agreement in JTP case when parties have stipulated to dismissal under Rule 41(a)(1)(A)(ii), FRCP, and contrasting ERA whistleblower cases, which require approval of settlements.) Accordingly,

**ORDER**

**IT IS HEREBY ORDERED**, Case No. 2010-WIA-00004 and Case No. 2011-WIA-00004 are hereby consolidated for hearing purposes; and

**IT IS FURTHER ORDERED** that these consolidated cases be, and hereby are, **DISMISSED WITH PREJUDICE**.

**A**

PAMELA J. LAKES  
Administrative Law Judge

Washington, D.C.