



Issue Date: 16 November 2012

In the Matter of
TENNESSEE OPPORTUNITY PROGRAMS INC (“TOPS”)
Complainant

v. Case Number **2012 WIA 00002**

DEPARTMENT OF LABOR
Respondent

ORDER GRANTING MOTION TO DISMISS
HEARING CANCELLED

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 660 through 670 and is scheduled for hearing January 30, 2013 in Washington, D.C.

On November 14, 2012, Complainant filed a Motion to Dismiss its Appeal as moot, joined by Respondent. The grant officer has issued a Final Revised Determination, which allows all formerly disallowed costs. I am advised that this action obviates the need to proceed before the Office of Administrative Law Judges.

Good cause having been shown,

1. The Motion to Dismiss is hereby **GRANTED**.
2. The hearing is **CANCELLED**.

DANIEL F. SOLOMON
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).