

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 03 September 2013

CASE NO.: 2012-WIA-00007

In the Matter of:

THE NAVAJO NATION,
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 660 through 670.

On January 20, 2012, a Grant Officer of the United States Department of Labor, Employment and Training Administration, Division of Policy, Review and Resolution, issued a Final Determination disallowing questioned costs of \$166,202 with respect to Grant Number AB-13869-04-55 and AB-17175-08-55 which he found subject to repayment. On February 16, 2012, the Office of Administrative Law Judges received Complainant's request for a hearing pursuant to 29 C.F.R. § 96.63(b). Complainant requested a hearing on the Final Determination with respect to Section A: Administrative Findings 1 and 3 and Section B: Questioned Costs, Findings No. 2 and 3.

On February 21, 2012, this Office issued a Notice of Receipt of Request for Hearing and Prehearing Order instructing the parties to file Prehearing Exchange information within thirty (30) days.

On June 6, 2012, I issued a Notice of Hearing and Prehearing Order scheduling this case for a formal hearing in Albuquerque, New Mexico on August 28, 2012.

On August 17, 2012, counsel for Respondent filed a motion for cancellation of the hearing. According to the motion, the Grant Officer who originally issued the final determination giving rise to the case had retired, the replacement Grant Officer needed additional time to review the available, relevant information, and the hearing should therefore be rescheduled for a later date. This Office granted the request in an order issued August 20, 2012 and directed the Grant Officer to file periodic status reports outlining any progress made by the parties in resolving the case.

On August 29, 2013, counsel for the Grant Officer filed a Stipulation of Dismissal with this Office. According to the Stipulation of Dismissal, the Grant Officer and the Navajo Nation have resolved all issues raised in the case and the parties therefore request that the case be dismissed.

As the issues between the parties have been resolved, and a hearing is no longer necessary, the parties' Stipulation of Dismissal is ACCEPTED and this case is DISMISSED.

SO ORDERED.

STEPHEN L. PURCELL
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).