

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 June 2013

Case No: 2013-WIA-00003

In the Matter of:

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR & INDUSTRY,**
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 November 8, 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 \$155,590 with respect to Grant Number AA-16051-97-55, AA-17144-08-55, AA-20216-10-55, AA-18664-09-55, EM- 20515-10-60 and EM-20513-10-60 which he found subject to Federal Debt Collection. On November 27, 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, Section B: Questioned Costs, Finding No. 1: *Not Recapturing the LWIA Funds*.

On December 28, 2012, this Office issued an Amended Notice of Receipt of Request for Hearing and Prehearing Order instructing the parties to file Prehearing Exchange information within forty-five (45) days.

On February 13, 2013, counsel for Respondent filed a Joint Motion for Extension of Time to File Prehearing Exchanges requesting a deadline of April 9, 2013 to exchange Prehearing information. The parties stated that the Grant Officer agreed to review additional information regarding the Final Determination issued against Complainant. This Office granted the parties' Motion in an order issued February 14, 2013.

On May 28, 2013, Complainant filed a letter with this Office asking to withdraw its appeal in this case. Complainant stated that the Respondent's review of Complainant's

subsequently submitted documentation showed that all of the questionable costs were, in fact, allowable, and that Respondent has issued a new Final Determination to that effect.

As the issues between the parties have been resolved, and a hearing is no longer necessary, Complainant's motion is GRANTED 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).