



**Issue Date: 22 April 2016**

**Case No: 2015-WIA-00003**

*In the Matter of:*

**THE NAVAJO NATION,**  
*Complainant,*

v.

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

### **ORDER OF DISMISSAL**

This matter arises under the Workforce Investment Act, 29 U.S.C. § 2801 *et seq.*, and the implementing regulations at 20 C.F.R. Parts 660 through 670.

On January 27, 2015, a Grant Officer of the United States Department of Labor, Employment and Training Administration (“Respondent”), issued a final determination against the Navajo Nation (“Complainant”),<sup>1</sup> notifying Complainant that the audit report for the period between January 1, 2010 and January 1, 2011 “contained questioned costs totaling approximately \$7,972,558 and identified three (3) administrative findings.”<sup>2</sup> Specifically, Respondent determined that its “auditors’ review disclosed that NDWD did not properly allocate and expend \$7,972,558 of grant funds consisting of approximately 6,676,572 of personnel and 1,295,986 of non-personnel costs.”

On February 24, 2015, the Office of Administrative Law Judges (“Office”) received Complainant’s request for a hearing “pursuant to 20 [sic]<sup>3</sup> C.F.R. § 96.63(b)(1).” Complainant “requests review of all administrative findings and questioned costs stated in the Final Determination.” This Office issued a *Notice of Receipt of Request for Hearing and Prehearing Order* on March 9, 2015, establishing a deadline to file prehearing exchanges. The deadline was

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<sup>1</sup> While the Navajo Nation is named in the case caption, the Navajo Nation agency audited by Respondent was the Navajo Nation Department of Workforce Development (“NDWD”).

<sup>2</sup> Complainant identified the following findings: (1) “NDWD did not properly manage \$7,972,558 in [Indian and Native American Programs] INAP Grant Funds,” (2) “participants did not receive employment training services,” and (3) “performance goals not achieved/minimal participant follow-up provided.”

<sup>3</sup> The procedures by which recipients and contractors may appeal final determinations by the DOL officials responsible for audit resolution as a result of audits is set forth in 29 C.F.R. 96.61-63.

extended five times upon motions of the parties indicating that Complainant and Respondent were engaged in informal settlement discussions.

On April 20, 2016, Respondent filed a *Joint Stipulation of Dismissal with Prejudice*, indicating that the parties entered into a Settlement Agreement on April 20, 2016, resolving all previously disputed issues.

As all the issues between the parties have been resolved, and a hearing is no longer necessary, the matter is hereby DISMISSED with prejudice.

SO ORDERED.

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge