



Issue Date: 04 January 2018

Case No.: 2017-WIA-00002

In the Matter of:

CAPITAL AREA REENTRY COALITION,
Complainant,

v.

**EMPLOYMENT AND TRAINING ADMINISTRATION,
U.S. DEPARTMENT OF LABOR,**
Respondent.

ORDER OF DISMISSAL

This matter involves a grant authorized by the Workforce Investment Act (“WIA”), 29 U.S.C. § 2801 *et seq.*, and the Second Chance Act of 2007, Pub. L. No. 110-199, 122 Stat. 657 (2008). The implementing regulations for WIA are found at 29 C.F.R. Part 96 and 20 C.F.R. Parts 660 through 670.

On May 23, 2017, a Grant Officer of the Employment and Training Administration (“ETA”), U.S. Department of Labor (“DOL”), issued a final determination against the Capital Area Reentry Coalition (“Complainant”) regarding a monitoring review of DOL Grant Number PE-24421-13-60-A-22 conducted by ETA’s Dallas Regional Office from July 1, 2013 through September 30, 2014. The final determination assessed a debt owed to DOL in the amount of \$22,705.27, and referenced administrative findings contained in a March 6, 2015 monitoring report. By letter dated July 10, 2017, Complainant requested a formal hearing with the Office of Administrative Law Judges (“OALJ” or “Office”) pursuant to 29 C.F.R. § 96.63(b).

Upon docketing of this case by OALJ, I issued a *Notice of Docketing and Order to Show Cause* on July 28, 2017. That order directed Complainant to file within thirty days a written statement showing good cause as to why this matter should be not be dismissed for failure to timely file a request for hearing.¹

¹ The regulations governing appeals of an ETA grant officer's final determination to OALJ provide, “Within 21 days of receipt of the grant officer's final determination, the recipient may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, . . . with a copy to the grant officer who signed the final determination.” If no timely hearing request is made, the final determination constitutes the final action by the Secretary and is not subject to review. 29 C.F.R. § 96.63(b)(1). As

On August 24, 2017, Complainant filed a letter explaining that the final determination letter, dated May 23, 2017, was inadvertently sent to the wrong address and returned to ETA without reaching Complainant. After being contacted by ETA and providing the correct address, Complainant received the final determination letter on June 22, 2017. Complainant's request for a hearing on the final determination was sent on July 10 and received by OALJ on July 14, 2017. Complainant's letter attached several supporting documents, including: the original UPS envelope transmitting the final determination letter that bears the incorrect address for Complainant; the UPS tracking report showing that a second transmittal was delivered to Complainant at the correct address on June 22, 2017; and the mailing receipt for Complainant's hearing request showing that it was mailed July 10, 2017.

In a September 14, 2017 *Order Finding Good Cause to Proceed*, I found that Complainant's hearing request was timely as it was made within twenty-one days of the date that it actually received the final determination, and established an October 30, 2017 deadline to file prehearing exchanges. However, on October 30, 2017, I granted the parties' joint request for an extension of time to file the prehearing exchanges to allow them to engage in settlement discussions.

On December 29, 2017, Respondent filed a *Joint Stipulation of Dismissal with Prejudice*, indicating that the parties entered into a Settlement Agreement that resolves all previously disputed issues and requesting that this case be dismissed with prejudice.

Accordingly, as all the issues between the parties have been resolved, and a hearing is no longer necessary, the parties' joint request for dismissal is GRANTED and this matter is hereby DISMISSED with prejudice.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

Complainant's letter requesting a formal hearing was dated July 10, 2017, almost fifty days after the May 23, 2017 letter transmitting the Grant Officer's final determination, it was not apparent that the hearing request was timely.