



**Issue Date: 19 April 2019**

CASE NO.: 2018-WIA-00005

*In the Matter of:*

**SOUTHERN CALIFORNIA  
INDIAN CENTER, INC.,**

*Complainant,*

vs.

**EMPLOYMENT AND TRAINING  
ADMINISTRATION, UNITED STATES  
DEPARTMENT OF LABOR,**

*Respondent.*

**ORDER GRANTING SUMMARY DECISION**

This is a claim for review of the decision by the Grant Officer of the Employment and Training Administration, U.S. Department of Labor, not to award a grant under the Indian and Native American Employment and Training Program to the Complainant. The matter is currently set for hearing in Long Beach, California, on May 29, 2019.

On March 8, 2019, Respondent served a Motion for Summary Decision on the Complainant, and filed the Motion on March 19, 2019. By letter dated March 19, 2019, the Complainant opposed the motion. In an Order issued March 26, 2019, I continued the hearing (previously set for April 9, 2019) to May 29, 2019, and allowed Complainant to amend its opposition to the Motion. In that Order, I discussed Complainant's obligation to demonstrate a genuine dispute as to a material fact; explained the requirements for doing so, as set forth in 29 C.F.R. section 18.72; recommended Complainant obtain the assistance of counsel in opposing the motion; and warned the Complainant that "if I grant the Motion for Summary Decision, there will be no hearing in this case." I gave Complainant until April 12, 2019, to file an amended opposition.

To date, the Complainant has filed no amended opposition. On April 17, 2019, Attorney Gerald A. Wolf filed a Notice of Appearance as counsel for the Complainant, but did not seek leave for late filing of the amended opposition.

Under 29 C.F.R. section 18.32, subsection (b)(2), after April 12, 2019, I can grant permission for late filing only upon a showing of excusable neglect. Complainant has not sought relief of any kind.

Under 29 C.F.R. section 18.72, subsection (e), Complainant having failed properly to address the moving party's assertions of fact, I may "[g]rant summary decision if the motion and supporting materials – including the facts considered undisputed – show that the movant is entitled to it."

I conclude the moving party's assertions of fact, as set forth under the heading "Statement of Facts" at pages 2 through 7 of its Motion for Summary Decision, are undisputed; and that Respondent is entitled to decision as a matter of law.

The Motion for Summary Decision is GRANTED.

SO ORDERED.

CHRISTOPHER LARSEN  
Administrative Law Judge