



Issue Date: 08 March 2019

Case No: 2019-WIA-00003

In the Matter of:

HIGHER EDUCATION COORDINATING COMMISSION,
Complainant,

v.

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

ORDER OF DISMISSAL

This matter arises under the Workforce Innovation and Opportunity Act (“WIOA”), Section 171, codified at 29 U.S.C. § 3226, and the regulations at 20 C.F.R. Parts 683 and 688.

On September 24, 2018, the United States Department of Labor, Employment and Training Administration (“Respondent”), through a Grant Officer, issued a Final Determination to the State of Oregon Higher Education Coordinating Commission (“Complainant”) on an audit of programs operated by Complainant, under grant numbers AA-25375-14-55, AA-26801-15-55, and AA-28338-16-55.¹ On October 17, 2018, the Office of Administrative Law Judges (“Office”) received Complainant’s request for hearing pursuant to 2 C.F.R. § 2900.22(b). On November 1, 2018, I issued a *Notice of Docketing* instructing the parties to file and exchange certain prehearing information. On November 30, 2018, Respondent filed *Joint Motion for Extension of Time to File the Administrative File and Prehearing Exchange*. On December 3, 2018, I granted a 90-day filing extension.

On March 4, 2019, the parties filed a *Joint Motion to Dismiss*, asserting that, on January 9, 2019, Complainant

submitted additional documentation to support its explanation that the non-Federal funds it proposed to use as stand-in costs were used to support grant activities. [Complainant] again requested that those costs be considered as stand-

¹ Respondent reviewed questioned costs in the amount of \$214,900.00 and determined that \$89,535.00 would remain disallowed. Respondent concluded that Complainant “had certain internal control deficiencies related to recording and charging employee payroll” that resulted in the remaining disallowed costs. Complainant requested that Respondent “consider stand-in costs for the full amount as repayment.”

in costs, to be used to repay ETA for the disallowed costs. ETA reviewed the additional documentation and determined that the proposed stand-in costs were acceptable and were sufficient to repay the full amount of disallowed costs.

The parties further state that Complainant “also submitted additional documentation, explanations, and proposed corrective actions with respect to the three administrative findings” and that Respondent “determined that each finding was corrected.” Respondent subsequently issued a Revised Final Determination reflecting that the disallowed costs were repaid and, accordingly, are not subject to federal debt collection.

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

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge