



DATE: APR 10 1996

CASE NO.: 96-JSA-0002

In the Matter of

KATHERINE C. KRUEGER
Complainant

v.

PARIS EMPLOYMENT SERVICE OFFICE,
PARIS, TENNESSEE
Respondent

ORDER OF REMAND

By motion filed on March 1, 1996, the Acting Regional Administrator requested that this matter be remanded in order to fill the requirements of 20 C.F.R. § 658.421. Section 658.421 requires that the Regional Administrator, upon receipt of the State agency file, must make a determination whether further investigation or action is appropriate. 20 C.F.R. § 658.421(c). If the Regional Administrator determines that no further action is necessary, the Regional Administrator must inform the complainant in writing and may in his discretion, offer the complainant the opportunity to request a hearing before the Office of Administrative Law Judges. 20 C.F.R. § 658.421(d). If the Regional Administrator determines that further investigation is necessary, then he shall undertake such an investigation. 20 C.F.R. § 656.421(e).

In this particular matter, due to confusion resulting from a change of personnel in the Atlanta Regional office and the federal shutdown from November 14-19, 1995, the Acting Regional Administrator did not make the necessary determination in writing once the State agency file was received. Therefore, the file was transmitted to the Office of Administrative Law Judges prior to a determination being made by the Acting Regional Administrator which makes it impossible for the Administrative Law Judge to decide whether the Acting Regional Administrator made the appropriate determination. Accordingly, the Acting Regional Administrator has requested that this matter be remanded so that he can review the appeal and determine whether further investigation is necessary. The Acting Regional Administrator's determination could result in a resolution of this matter making any further action by the Administrative Law Judges unnecessary. No objection to the motion for remand has been filed..2

It is, therefore, ORDERED that this matter be REMANDED so that the Acting Regional Administrator can review the file and make a determination as required by the regulations at 20 C.F.R. § 658.421.

SO ORDERED.

JOHN M. VITTON
Acting Chief Administrative Law Judge

Washington, D.C.
JMV/sls