ORDER OF REMAND

On February 6, 1984, a formal hearing was held in the above-captioned case. One of the primary issues for resolution was whether the Pasqua Yaqui Tribe lacked the threshold population to be considered for a federal grant in Fiscal Year 1984 under the Job Training Partnership Act (P.L. 97-300).

At the hearing, the evidence submitted by the Pasqua Yaqui Tribe showed that more than the requisite 1,000 Indian and Native Americans were residing on the reservation at the time of the Pasqua Yaqui Tribe's application for the federal grant. On February 24, 1984, Counsel for the U.S. Department of Labor submitted the attached letter which concedes that the Pasqua Yaqui Tribe possessed the threshold population at the time of their application.

Accordingly, the above-captioned matter is hereby REMANDED to Edward Tomchick, Grant Officer, to reconsider on the merits the application of the Pasqua Yaqui Tribe for a federal grant in light of this factual stipulation.

NAHUM LITT
Chief Judge

MS:ajg
ORDER OF REMAND

Daniel Teehan
Regional Solicitor
P.O. Box 36017, Federal Bldg.
450 Golden Gate Avenue
San Francisco, CA 94102

David O. Williams
Office of the Special Counsel
u. S. Department of Labor/ETA
601 D St., N.W., Rm. 5100
Washington, D. C. 20213

Douglas Cochennour, Director
Division of Financial Policy,
Audit and Closeout
u. S. Department of Labor
601 D St., N.W.
Washington, D. C. 20213

Edward A. Tomchick
Grant Officer
Office of Contracting
u. S. Department of Labor/ETA
601 D St., N.W.
Washington, D. C. 20213

David G. Ramirez
Chairman
Pasqua Yaqui Tribal Council
4821 Wast Calle Vican
Tuscon, AZ 85746

Geral W. Hicks
Regional Audit Manager
Office of the Inspector General
Western Region
Federal Building, Rm. W-2400
2800 Cottage Way
Sacramento, CA 95825

C. Kay Walker
Certified Public Accountant
777 West Southern Avenue
Suite 505
Mesa, AZ 85202
Arthur A. Chapa, Esq.
Linden, Chapa & Fields
Broadway Centre
Suite 165
4911 East Broadway
Tuscon, AZ 85711

Chester Hurwitz
Attorney
Office of the Solicitor
ETLS
u. S. Department of Labor
200 Constitution, Ave., N.W.
Rm. N 20210

William H. DuRoss, Ill
Associate Solicitor
Division of Employment and Training Legal Services
u. s. Department of Labor
200 Constitution Ave., N.W.
Washington, D. C. 20210

Harry Sheinfeld
Counsel for Litigation
u. s. Department of Labor
200 Constitution Avenue, N.W.
Washington, D. C. 20210
Honorable Nahum Litt
Chief Administrative Law Judge
U.S. Department of Labor
1111 20th Street N.W.
Washington, D.C. 20037

Re: In the Matter of the United States Department of Labor v. Pascua Yaqui Tribe
Case No. 84-JTP-6

Dear Judge Litt:

At the conclusion of the hearing in the above-referenced matter, Department of Labor officials Melvin Goldberg and Herman Narcho accompanied me on a trip to the Pascua Yaqui reservation. We inspected the source data for the population figures to which Ms. Carmen Alvarez testified at the hearing. Our review of that data has satisfied us of the accuracy of Ms. Alvarez's testimony that more than 1,000 Indian and Native Americans resided on the reservation at the time of the Pascua Yaqui Tribe's application to be a grantee for Fiscal Year 1984.

Sincerely,

WILLIAM H. DUROSS, III
Associate Solicitor for Employment and Training

By Chester A. Hurwitz
Attorney