In the Matter of:

CARLOS ROMERO-BARCELO, GOVERNOR OF PUERTO RICO, and: Case No. 84-JTPA-09
the ADMINISTRATION de
Derecho al Trabajo,
Complainants,

v.

RAYMOND J. DONOVAN,
Secretary of Labor of the:
United States of America, Respondent

Clifford S. Robbins,
Attorney for Complainants

E. Kathleen Shahan, Office of the Solicitor
Attorney for the Respondent

Before: GLENN ROBERT LAWRENCE
Administrative Law Judge

DECISION AND ORDER

Complainants having filed a motion for summary decision in accordance with 48 Fed. Reg. 32547 (1983) (to be codified at 29 C.F.R. §§18.40 and 18.41). I having considered such motion, memorandum, incorporated stipulations, agreements and attachment in support thereof, respondent's opposition to summary decision, and I have found: that there is no genuine issue as to any material fact; that on August 3, 1984 the comptroller General of the United States in decision docketed of File B-214937 found:

The Department of Labor may restore deobligated withdrawn funds as it proposes. The Joint Training Partnership Act, 29 U.S.C. §§1501-1781, requires payments to State Governors based on formulae stated within the Act. Entitlements based on such statutory formulae ay be considered as obligated under authority of 31 U.S.C. §1501 (a)(S) whether or not formal recordation takes place. 31 U.S.C S1552 (a)(2) provides authority for the Government to restore withdrawn funds considered as obligated under section 1531 (a)(S).
This satisfies the requirements for such an opinion in paragraphs II, 2 and 3 of the agreement of the parties embodied in the Decision and Order signed by me on April 27, 1984; and that complainants are entitled to a decision and order in their favor. It is ORDERED that complainants' motion for summary decision be and hereby is granted, and most respectfully ordered that the respondent take all necessary steps to effectuate this order and restore to the Governor of Puerto Rico, for use by Puerto Rico service delivery areas under the JTPA, the $902,193.00 of CETA funds voluntarily transferred by Puerto Rico prime sponsors for such purpose.

Dated: AUG 24 1984
Washington, D.C.

GLENN ROBERT LAWRENCE
Administrative Law Judge
SERVICE SHEET

Case Name: Carlos Romero-Barcelo

Case No.: 84-JTPA-09

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