CASE NO. 90-JTP-00008

IN THE MATTER OF:

YA-KA-AMA INDIAN EDUCATION AND
DEVELOPMENT, INC.,

v.

UNITED STATES DEPARTMENT OF
LABOR,

ORDER OF DISMISSAL

On July 10, 1990 the Office of the Solicitor, U.S. Department of Labor filed a copy of the government's letter to the plaintiff herein, which advised that upon review of the plaintiff's pretrial submissions and other relevant records, the government had reassessed and revised the Final Determination of August 29, 1989, thereby allowing the previously disallowed costs, which effectively resolves the dispute between the parties in its entirety.

Accordingly, on July 16, 1990, the plaintiff filed notice that it was withdrawing its appeal.

Wherefore, the above referenced matter is hereby Dismissed pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, 25 U.S.C.A.

So ordered this 16th day of July, 1990 at San Francisco, California.

VIVIAN SCHRETER-MURRAY
Administrative Law Judge

VSM:brt
Richard C. Rindone
Associate Director
YA-KA-AMA Indian Education and Development Inc.
6215 Eastside Road
Forestville, CA 95436

Mr. David Peri, Chairman
YA-KA-AMA Indian Education and Development Inc.
6215 Eastside Road
Forestville, CA 95436

Harry Sheinfeld, Counsel for Litigation
Office of the Solicitor
Room N2101
200 Constitution Ave., NW
Washington, D.C. 20210
ATTN: Neilda C. Lee, Esq.

David O. Williams
Office of the Special Counsel
Employment & Training Admin.
Room N4671
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Charles A. Wood, Jr.
Contract/Grant Officer
Chief, Division of Audit, Closeout & Appeals Resolution
U.S. Department of Labor
Employment & Training Admin.
Room N4716
200 Constitution Ave., N.W.
Washington, D.C. 20210

(Signature)

JUL 16 1990

(Date)

It is clear from the pertinent provisions of the Job Partnership Training Act and the Congressional history of such Act that the right to request a hearing before an administrative law judge of the Department of Labor when the Secretary has made a determination not to award financial assistance is restricted to the applicant for financial assistance. Since the St. Louis Vietnam Veteran Leadership Program was not the applicant for financial assistance, it is not the proper party to request a hearing before an administrative law judge of the Department of Labor.

Daniel Lee Stewart
Administrative Law Judge

NOTICE OF APPEAL RIGHTS. Pursuant to 20 C.F.R. § 725.481, any party dissatisfied with this order may appeal it to the Benefits Review Board within 30 days from the date of this order by filing a notice of appeal with the Benefits Review Board, 1111 20th Street, N.W., Suite 757, Washington, D.C. 20036.
SERVICE SHEET

ST. LOUIS VIETNAM VETERANS

CASE NAME: LEADERSHIP PROGRAM, INC. CASE NO.: 85-JTP-2

TITLE OF DOCUMENT: ORDER OF DISMISSAL

Copies of this document have been mailed to the following:

Acme Reporting Co., Inc.
1220 L Street, N.W.
Suite 600
Washington, D.C. 20005

Sandra R. Harrelson, Chief
Division of Contract Negotiations
Office of Procurement Services
United States Department of Labor
Washington, D.C. 20210

St. Louis Vietnam Veterans
Leadership Program, Inc.
Room 1213, Federal Building
405 South Tucker Boulevard
St. Louis, Missouri 63102

Honorable Frank Lilly
Solicitor of Labor
Special Counsel to the Assistant
Secretary of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Mr. Douglas G. Cochennour
Grant/Contracting Officer
Chief, Division of Financial
Policy, Audit and Closeout
U.S. Department of Labor/ETA
601 D Street, N.W., Room 5106
Washington, D.C. 20213

Richard G. Hughes, Esq.
Wayne C. Harvey, Esq.
Law Offices of Wayne C. Harvey
111 South Bemiston, Suite
Clayton, Missouri 63105

Tedrick A. Housh, Jr.
Regional Solicitor
2106 Federal Office Building
911 Walnut Street
Kansas City, Missouri