

Congressional

U.S. Department of Labor

Office of Administrative Law Judges  
800 K Street, N.W.  
Washington, D.C 20001-8002



Dated: **August 5, 1992**

**Case No.: 91-JTP-4**

IN THE MATTER OF:

WISCONSIN DEPARTMENT OF INDUSTRY  
LABOR AND **HUMAN** RELATIONS  
Complainant

**v.**

U.S. DEPARTMENT OF LABOR  
Respondent

and

FORWARD SERVICE CORP., and  
FARMER'S UNION JOB TRAINING PROGRAM,  
Intervenors

**ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT AND  
SCHEDULING HEARING**

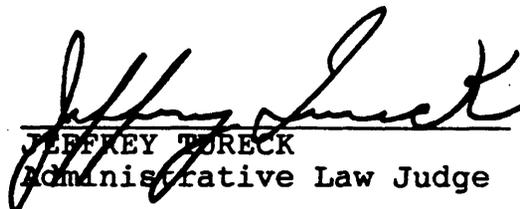
The Department of Labor has moved for summary judgment in this case; complainant followed with its own motion for summary judgment. These motions have been followed up by additional motions and responses. However, summary judgment is only appropriate when "no genuine issue of material fact" is raised. 29 C.F.R. **§18.41(a)**. Here, there appears to be a controversy regarding whether several participants actually underwent training and, if they did, what this training encompassed. Since it does not appear that this case can be decided without resolving this issue, the motions for summary judgment must be denied.

**IT IS ORDERED** that a hearing in this case will be held at **9:30** a.m. on October 14, 1992 at:

U.S. District Courthouse  
120 North Henry Street  
Courtroom 260  
Madison, WI 53703

**IT IS FURTHER ORDERED** that the parties shall file **Pre-Hearing Statements** in accordance with the Order issued on September 17, 1991 (a copy of which is attached) no later than September 14, 1992.

E-ALJ-000372

  
JEFFREY TORECK  
Administrative Law Judge



Dated: September 17, 1991

Case No.: 91-JTP-4

IN THE MATTER OF:

WISCONSIN DEPARTMENT OF INDUSTRY  
LABOR AND HUMAN RELATIONS,  
Complainant

v.

U.S. DEPARTMENT OF LABOR,  
Respondent

and

FOWARD SERVICE CORP., and  
FARMER'S UNION JOB TRAINING PROGRAM,  
Intervenors

#### **NOTICE OF HEARING AND PRE-HEARING ORDER**

NOTICE IS **HEREBY GIVEN** that a hearing in the above-captioned case arising under the Job Training Partnership Act will be held before the undersigned Administrative Law Judge at 9:30 a.m. on December 19, 1991 in Madison, Wisconsin. The parties will be notified when a courtroom is selected.

IT IS **ORDERED** that:

On or before November 11, 1991, each party (including the intervenors) shall file with the Office of Administrative Law Judges, with a copy to each of the other parties, a Pre-Hearing Statement containing the following:

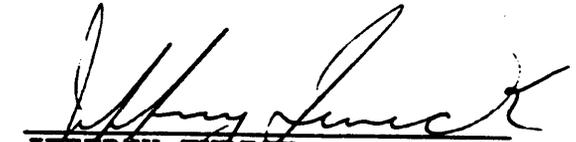
(a) a comprehensive statement of the legal and factual issues in contention and the relief or remedy sought;

(b) the name and address of each witness the party expects to call and a brief summary of the testimony the witness is expected to present;

(c) a list of all the exhibits the party expects to offer into evidence, with a copy of each document not previously submitted or exchanged in connection with case; and

(d) a statement of the length of time it should take to present the party's case.

The failure to comply with the provisions of this Pre-Hearing Order may result in the imposition of sanctions, including the exclusion of witnesses and/or exhibits and the entry of a default judgment.

  
\_\_\_\_\_  
JEFFREY TURECK  
Administrative Law Judge

SERVICE SHEET

Case Name: Wisconsin Dept. of Industry, Labor and  
Human Relations

Case No.: **91-JTP-4**

Title of Document: Order Denying Motions For Summary Judgment  
and Scheduling Hearing

A copy of the above document was mailed to the following  
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