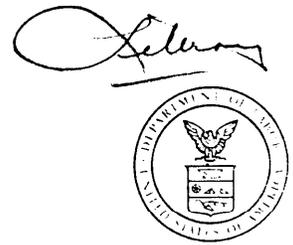


U.S. Department of Labor

Office of Administrative Law Judges
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DATE: October **30, 1997**

CASE NO: 93-JTP-14

In the Matter of

GRAND RAPIDS INTER-TRIBAL COUNCIL
Complainant

v.

U.S. DEPARTMENT OF LABOR
Respondent

BEFORE: J. MICHAEL O'NEILL
Administrative Law Judge

ORDER
GRANTING MOTION TO DISMISS

Through counsel, the U.S. Department of Labor (the Department) has moved that this matter be dismissed for failure to prosecute, and for entry of judgment on behalf of the Department in the amount of \$46,155. This case arises under the Job Training Partnership Act, 29 U.S.C. §1501 et seq., and regulations at 20 C.F.R. Parts 626-638.

On July 3, 1997, I issued an Order to Show Cause requiring Grand Rapids Inter-Tribal Council (the Council) to explain why the Motion to Dismiss should not be granted, with prejudice, and judgment entered in favor of the Department. The Order was served on the Council and its Executive Director, Levi A. Richert, at its last known address, 45 Lexington, N.W., Grand Rapids, Michigan 49504. The Order was returned by the U.S. Postal Service with the notation, "moved left no address, unable to forward."

A response was filed by James A. Keedy, Esq., Michigan Indian Legal Services, who our records shows is attorney for

E-ALJ-000378

the Council. Mr. Keedy asserts that he no longer represents the Council in this matter. He further informs: that he has been unable to contact the Council by telephone, their number having been disconnected; has learned that the Council vacated their office at 45 Lexington, Grand Rapids, and has not opened a new office; that he has been unable to locate any board members or employees of the Council; and that Levi Richert left his position with the Council some time prior to April 1994. None of this information had previously been provided to this Office. In his Motion to Dismiss, counsel for the Department indicated that in the six weeks prior to June 10, 1997, he had made several telephone calls to Mr. Keedy and had learned that the Council's telephone is no longer in service, that Mr. Keedy had been unable to contact officials of the Council and that accordingly, it appeared that the Council may no longer be operating.

Through counsel, the Department has stated that after I remanded this matter to the Department's Grant Officer on April 3, 1995, for further proceedings to resolve issues regarding disallowed costs in the amount of \$46,155, the counsel failed to submit financial reports which the parties' agreement required and which were necessary to enable the Grants Officer to address the dispute regarding disallowed costs.

Clearly, the Council, as Complainant in this matter, has abandoned its appeal regarding the disallowed costs and the Department is entitled to a default decision, 29 C.F.R. §§18.5(b), 18.39(b). Therefore, the appeal filed by the Grand Rapids Inter-Tribal Council is dismissed with prejudice, and judgment is entered for the Grant Officer, U.S. Department of Labor, in the amount of \$46,155.



J. MICHAEL O'NEILL
Administrative Law Judge

SERVICE SHEET

Case Name: GRAND RAPIDS INTER-TRIBAL COUNCIL

Case No. 93-JTP-14

Title of Document: ORDER GRANTING MOTION TO DISMISS

I hereby certify that the above-referenced document was mailed this 30th day of October following parties:

REGULAR MAIL

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