



**Date:** JAN 3 1 1994

**In The Matter of:**

LOWER CREEK MUSCOGEE TRIBE  
Complainant,

**v.**

U.S. DEPARTMENT OF LABOR,  
Respondent

**Case No.:** 93-JTP-20

ORDER

This matter arises under the Job Training Partnership Act, 29 U.S.C. 1501 et seq., and the regulations promulgated thereunder at 29 C.F.R. Part 636.

On July 7, 1993, the Florida Governor's Council on Indian Affairs, Inc. ("Council") filed a request to participate as a party-in-interest in this matter. Under applicable regulations, a party has a right to intervene in an action if the **administrative law judge determines that: 1) the final decision could directly and adversely affect the party; 2) the party may contribute materially to the disposition of the proceedings; and 3) the party's interest is not adequately represented by the existing parties.** 29 C.F.R. § 18.10(b). However, it was not apparent from the administrative record that the Council met the requirements of 29 C.F.R. § 18.10(b). Additionally, the Council's letter dated June 29, 1993, did not meet the requirements for a petition to intervene as set forth at 29 C.F.R. § 18.10(c) and did not contain any support for its request. **As** such, on August 17, 1993, this Office ordered the Council to submit, on or before thirty (30) days from August 17, 1993, a statement in support of its request to intervene in accordance with the requirements set forth at 29 C.F.R. § 18.10(b) and (c). It was further ordered that Complainant submit, on or before thirty (30) days from August 17, 1993, a statement of position on the Council's request to intervene.

On September 15, 1993, Complainant filed an objection to the Council's request to intervene. The Council did not initially file a response to the Order dated August 17, 1993, or otherwise support their request. However, a review of the administrative file revealed that the Council had not been served with the August 17, 1993 Order. Accordingly, the Council was ordered to **respond to the August 17, 1993 Order by December 1, 1993.**

The Council submitted its response to the November 1, 1991 Order on December 3, 1993. The Council contends that the final decision in this matter could adversely affect it because it

stands to loose "its designation as the Native American Grantee for all the counties in Georgia," which could result in a funding reduction of "more than \$300,000." Additionally, the Council contends that it may contribute materially to the disposition of the proceeding and its interest are not adequately represented by the existing parties.

In light of the information presented, and after review of the administrative file and pertinent regulations, I find that it is appropriate to GRANT the Florida Governor's Council on Indian Affairs' request to intervene and it is hereby ORDERED accordingly.

  
JOHN M. VITTON  
Deputy Chief Judge

Washington, DC  
JMV/rpf/mb

SERVICE SHEET

CASE NAME: Lower Creek Muscogee Tribe

CASE No.: 93-JTP-20

TITLE OF DOCUMENT: ORDER

This is to certify that the above-referenced document was sent by regular mail on the **31st** day of January 1994 to the following:

David O. Williams  
Office of the Special Counsel  
E&T Administration  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

R. Lance Grubb  
Grant/Contract Officer  
Officer of Grants and  
Contracts Management  
U.S. Department of Labor  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

Harry Sheinfeld, Counsel for  
Litigation  
Office of the Solicitor  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

Mr. **Felton** Roberts  
Georgia Heritage Chief  
Lower Creek Muscogee Tribe  
Route 2, Box 370  
Whigham, GA **31797**

James **C. DeLuca**, Grant Officer  
ETA, Div. of Acquisition & Asst.  
U.S. Department of Labor  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

Lower Creek Muscogee Tribes  
**Tama** Reservation  
Route 2, Box 370  
Whigham, GA 31797

Florida Governor's Council  
on Indiana Affairs, Inc.  
P.O. Box 10449  
Tallahassee, FL 32302-2449

  
Margaret Briston