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DATE: July 29, 1991

CASE NO: 98-JTP-15

In the Matter of
NATIONAL URBAN INDIAN COUNCIL,
Complainant,
v.
U.S. DEPARTMENT OF LABOR,
Respondent.

ORDER OF DISMISSAL

The United States Department of Labor [hereinafter DOL] issued a final determination on February 13, 1990 to National Urban Indian Council [hereinafter NUIC] which disallowed costs totalling \$680,626.00 for Grant Numbers 99-4-2982-55-026-02, 99-4-3225-55-210-02 and 99-5-3344-55-071-02 for the period October 1, 1983 through June 30, 1987. NUIC timely requested a hearing before the Office of Administrative Law Judges with respect to this final determination and the case subsequently was consolidated for hearing with Docket Number 89-JTP-12, which involved the same parties.

I issued a Notice of Hearing and Pre-Hearing Order on March 4, 1991 by which the parties were advised that a formal hearing would commence on June 27, 1991 at Denver, Colorado. The parties were required by this notice to file pre-hearing submissions by June 14, 1991. Counsel for DOL, Annaliese Impink, filed comprehensive pre-hearing submissions, but NUIC did not. By letter dated June 24, 1991, counsel for NUIC, James W. Aiken, advised that his client would not be represented at the June 27, 1991 hearing, explaining that he had been directed by his client that on account of its cessation of business and dissolution of the corporation the appeal could not be pursued.

Counsel for DOL entered an appearance at the June 27, 1991 hearing. Since no appearance was entered at this hearing for NUIC, Ms. Impink moved for a dismissal of this case against NUIC pursuant to 29 C.F.R. § 18.39(b). This section of the regulations essentially provides that a request for hearing may be dismissed upon its abandonment if neither the party nor a representative appears for the hearing and does not show good cause for such failure to appear. I noted for the record that NUIC had not filed its pre-hearing submissions in accordance with

SERVICE SHEET

Case Name: National Urban Indian Council Case No: **90-JTP-15**

Title of Document: Order

A copy of the above document was sent to the following:

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