



Date Issued: **APR - 7 1993**  
Case Number: 90-JTP-17

In the Matter of  
PHOENIX INDIAN CENTER INC.  
Complainant

v.

U.S. DEPARTMENT OF LABOR  
Respondent

DECISION AND ORDER

This case arises under the Job Training Partnership Act (JTPA) (29 U.S.C. § 1579 et seq.) and the applicable regulations issued at 20 C.F.R. Part 636.

On March 2, 1990 the Department of Labor (DOL) notified Complainant of a disallowance in the amount of \$14,304.00 as a result of DOL's audit of Complainant's programs under JTPA. On March 22, 1990 Complainant filed a request for a hearing on the final determination. On April 6, 1990 this office issued a Notification of Receipt of Request for Hearing and Pre-Hearing Order which required both parties to furnish information regarding this case. On May 7, 1990 Complainant filed a Notice of Intent to Participate. On May 25, 1990 DOL filed the Grant Officer's Administrative file as required. Another copy of the Administrative file, which appears to be identical to the first, was filed on June 12, 1990. On June 20, 1990 DOL filed a Pre-Hearing Statement in this case. This office issued an Order to Complainant on July 31, 1992 to Show Cause why a default judgment should not be entered in this case. On November 24, 1992 this office issued an Order to Show Cause vacating the previous show cause order because the order had not been sent to the Complainant's most recent address. The new Show Cause Order required the Complainant to respond within thirty days from the date of the Order. To date, Complainant has failed to file a pre-hearing statement as required by the Pre-Hearing Order or answer the Order to Show Cause.

The regulations issued. at 29 C.F.R. 818.6(d)(2) provide that where a party fails to comply with an order the administrative law judge may:

(v) Rule that a pleading, or part of a pleading, or a motion or other submission by the non-complying party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the non-complying party, or both.

After considering Complainant's failure to participate in this matter it is ORDERED that Complainant's request for a hearing be DISMISSED and that a Judgment by Default be entered in this case. As a result of the default judgment, Complainant is hereby ORDERED to pay to DOL the disallowed costs under Finding I and Finding II of the March 2, 1990 Final Determination in the amount of **\$14,304.00**. Payment by cashier's check, drawn on non-federal funds and payable to "U.S. Department of Labor" should be mailed to:

David O. Williams, Administrator  
U.S. Department of Labor/ETA  
Office of Financial & Administrative Management  
Room N4671 FPB  
200 Constitution Avenue NW  
Washington, DC 20210

  
John M. Vittone  
Deputy Chief Judge

JMV/lmr

SERVICE SHEET

CASE NAME: PHOENIX INDIAN CENTER INC.  
CASE NUMBER: **90-JTP-17**  
TITLE : Decision and Order

I certify that a copy of the above entitled document was served by regular mail to the following parties on:

APR -7 1993

  
**LYNN MARIE RONGAUS**  
Paralegal

David Williams  
Office of the Special Counsel  
Employment & Training Admin.  
Room N4671 FPB  
200 Constitution Avenue NW  
Washington, DC 20210

Harry Sheinfeld, Litigation- Counsel  
Office of the **Solicitor/USDOL**  
Room **N2101** FPB  
200 Constitution Avenue NW  
Washington, DC 20210  
Attn: Neilda Lee, Attorney

Charles Wood, Jr., Grant Officer  
Audit, Closeout & Appeals  
Resolution Division/ETA  
U.S. Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Daniel **Teehan**  
Regional Solicitor  
Office of the **Solicitor/USDOL**  
71 Stevenson Street, Room 1110  
San Francisco, CA 94105

Karen Thorne, JTPA Coordinator  
Phoenix Indian Center Inc.  
333 West Indian School Road  
Phoenix, AZ 85013

Phylis **Bigpond**, Executive Director  
Phoenix Indian Center Inc.  
333 West Indian School Road  
Phoenix, AZ 85013

Karen Thorne, JTPA Coordinator  
Phoenix Indian Center Inc.  
99 East Virginia  
Phoenix, AZ 85013