



In the Matter of:

**FLORIDA DEPARTMENT OF LABOR
AND EMPLOYMENT SECURITY,**

COMPLAINANT,

v.

UNITED STATES DEPARTMENT OF LABOR,

RESPONDENT.

ARB CASE NO. 96-134

ALJ CASE NO. 93-JTP-2

DATE: May 13, 1998

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

SUPPLEMENTAL DECISION

The Administrative Review Board issued a Final Decision and Order (F. D. and O.) in this case on November 27, 1996, affirming in part and reversing in part the Administrative Law Judge's (ALJ) Decision and Order of May 13, 1996. We affirmed the ALJ's allowance of costs funded by the Wagner-Peyser Act in the amount of \$667,265 in Finding 1, as well as his allowance of \$245,414 in Finding 2, of the Grant Officer's Final Determination. We also affirmed the Grant Officer's disallowance of \$146,056 of costs associated with contracts funded by the Job Training Partnership Act (JTPA) in Finding 1, and his disallowance of costs in the amount of \$119,520 in Finding 2. F. D. and O. at 6-7.

The decision permitted the Complainant to submit additional documentation of claimed actual costs that could be attributable to and allowable pursuant to the JTPA contract referenced in Finding 1 of the F. D. and O. The decision required the Grant Officer to review such submissions and report to us the final recommended amount of the disallowance. *Id.* at 6. The Grant Officer completed his review of the documentation submitted by the Complainant and issued a memorandum incorporating his findings, dated March 16, 1998. That memorandum was forwarded to us by the Office of the Solicitor on April 6, 1998.

The Grant Officer found that the documentation submitted by the Complainant, amounting to a total of \$86,475, lacked the necessary specificity to establish that the claimed

costs relate to the specific contracts in question. Therefore, the Grant Officer recommended that the entire amount of the disallowance in Finding 1, \$146,956, be affirmed.

The Grant Officer stated that some of the documentation submitted by the Complainant related to the disallowance in Finding 2, and was therefore not considered since it went beyond the scope of the F. D. and O.

This Supplemental Order constitutes the final agency order in this matter.

ORDER

Pursuant to the information submitted by the Grant Officer's Memorandum of March 16, 1998, we find that the Grant Officer properly disallowed \$146,056 in Finding 1, and reaffirm the Grant Officer's disallowance of \$119,520 under Finding 2. The State of Florida **IS ORDERED** to repay such amounts to the United States Department of Labor in non-Federal funds.

SO ORDERED.

KARL J. SANDSTROM

Chair

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member