



In the Matter of:

CHEROKEE NATION OF OKLAHOMA,

ARB CASE NO. 98-153

COMPLAINANT,

Formerly ARB NO. 98-031

v.

ALJ CASE NO. 97-JTP-12

UNITED STATES DEPARTMENT OF LABOR,

DATE: August 17, 1998

RESPONDENT,

and

DELAWARE TRIBE OF INDIANS,

PARTY-IN-INTEREST.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**ORDER ASSERTING JURISDICTION AND
ESTABLISHING A BRIEFING SCHEDULE**

Upon consideration of the Petition for Review filed by counsel for the Cherokee Nation of Oklahoma (Cherokee Nation) and the Grant Officer's Motion to Dismiss, and pursuant to Section 166 of the Job Training Partnership Act (JTPA), 29 U.S.C. §§1501, 1576 (1994), it is ORDERED that --

1. Jurisdiction is asserted in this case.
2. The Cherokee Nation may submit a response to the Grant's Officer's Motion to Dismiss on or before **September 8, 1998**. In order to expedite the Board's consideration of the merits of this case, should we deny the motion to dismiss, the U.S. Department of Labor and the Delaware Tribe Of Indians may submit briefs in response to the Petition for Review on or before **September 8, 1998**, and the Cherokee Nation may submit a Reply Brief on or before October 8, 1998. Initial

and response briefs shall be limited to 25 typed pages and the reply brief shall be limited to 10 pages.

Pleadings are expected to conform to the page limitations and should be prepared in Courier (or typographic scalable) 12 point, 10 character-per-inch type or larger, with minimum one inch left and right margins and minimum 1.25 inch top and bottom margins, printed on 8½ by 11 inch paper.

The parties are reminded that pursuant to Section 166 of JTPA, 29 U.S.C. § 1576(c), if the Administrative Review Board does not issue a final decision within 180 days of the date of this Order, the decision of the Administrative Law Judge becomes final. Accordingly, requests for modification of this briefing schedule will be disfavored and will not be granted absent good cause shown.

An original and four copies of all pleadings and briefs shall be filed with the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-4309, Washington, D.C., 20210.

SO ORDERED.

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member