



DATE: FEB 20, 1991

IN THE MATTER OF

MISSOURI DEPT. OF LABOR AND
INDUSTRIAL RELATIONS,
Complainant

v .

U.S. DEPARTMENT OF LABOR,
Respondent

CASE No.: 91-ESA-1

ORDER

This matter arises under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., 5 U.S.C. 301 et seq., and the regulations issued thereunder at 20 C.F.R. Part 658, Subpart H.

On December 20, 1990, the United States Department of Labor (DOL), through its grant officer, issued a Final Determination to the Missouri Department of Labor and Industrial Relations, Division of Employment Security (Missouri) based on an audit of its Disabled Veterans Outreach Program (DVOP). The Final Determination indicated that Missouri was responsible for \$305,000 in disallowed costs associated with DVOP.

Pursuant to 20 C.F.R. §658.708, Missouri filed a Request for Hearing on January 15, 1991. Thereafter, this office docketed this matter and assigned it a case number. Unfortunately, this office erroneously assigned it Case No. 91- JTP-13, and then, 91-UIA-2, and sent out corresponding prehearing orders in both.

This matter has now been assigned the correct case number of 91-ESA-1. A third prehearing order is enclosed. The parties are hereby ORDERED to comply with its provisions and to disregard the previously issued orders associated with 91-JTP-13 and 91-UIA-2.

John M. Vittone
Deputy Chief Judge

JMV/JF/mb

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**NOTIFICATION OF RECEIPT OF REQUEST FOR HEARING
AND PREHEARING ORDER**

This matter arises under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq.; 5 U.S.C. 301 et seq., and the regulations issued thereunder at 20 C.F.R. Part 658, Subpart H.

You are hereby NOTIFIED that a request for hearing was filed on January 15, 1991 and docketed with the above case number. A copy of the request and a copy of the Grant Officer's determination are attached. This office shall set this matter for a hearing as soon as possible after the parties have completed their prehearing exchange.

It is hereby ORDERED that:

1. On or before March 15, 1991 the Grant Officer shall: (1) submit the administrative file to the above office, and (2) simultaneously transmit two copies of the file to the Associate Solicitor for Employment and Training Legal Services and one copy to the party(s) requesting the hearing. Within the same period of time, each party or party-in-interest shall also file a NOTICE OF INTENT TO PARTICIPATE.

All correspondence should refer to the above case name and number and be mailed to the above address.

2. Upon receipt of the administrative file the parties (through their attorneys if any) will commence discussions to consider the disposition of all or a part of the case, the stipulation of facts, the admissibility of documents, the possibility of settlement, and such other matters as may aid in the disposition of the case. The parties should be prepared at the beginning of the hearing to stipulate the admission of facts and documents about which there is no dispute.

3. Prehearing Exchange. Prior to the deadline listed below, the parties shall exchange copies of proposed documents and exhibits they intend to use. Any documentary evidence not furnished will be excluded from the record unless good cause is shown for such failure to produce. On or before April 15, 1991, each party shall file with this office:
 - 1) a simple statement of issues to be decided and the relief sought;
 - 2) the names and addresses of witnesses the party expects to call and a summary of the testimony of each witness;
 - 3) a list of all documents the party expects to use as evidence;
 - 4) an estimate of the number of days required for hearing;
 - 5) a description of any other proceeding which is related to, or may affect the progress of this case;
 - 6) suggestions as to a suitable location for hearing.

Copies of all correspondence filed with this office must be served on all parties.

NOTICE. Failure to comply timely with this prehearing order, without good cause shown, may result in the dismissal of the proceeding or the imposition of other appropriate sanctions against the offending party.

JOHN M. VITTONI
Administrative Law Judge

JMV/JF/mb