



In the Matter of

DELILAH WHITECLOUD AMERICAN  
INDIAN COUNCIL, INC.

Date Issued: October 2, 1992

Case No.: 91-JTP-28

Complainant

versus

U.S. DEPARTMENT OF LABOR

Respondent

and

COUNCIL OF THREE RIVERS AMERICAN  
INDIAN CENTER, INC.

Party-in-Interest

DECISION AND ORDER OF DISMISSAL

This proceeding is before the undersigned Administrative Law Judge pursuant to a request for hearing filed by Delilah Whitecloud American Indian Council, Inc. under authority conferred by 20 C.F.R. Section 636.10 of the regulations promulgated under the Job Training Partnership Act, 29 U.S.C. Section 1501 et seq., Pub. L. 97-300 96 Stat. 1322.

By way of letter dated July 7, 1992, Jim L. Adcock, a member of the Board of Directors of Complainant advised that it was not the intention of the agency to contest the decision of the Respondent not to grant the agency the contract and that they desire to withdraw the suit.

Twenty C.F.R. Section 629.57 (e) provides that the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges apply to these cases: 29 C.F.R. Part 18. The Rules of Practice do not provide specific direction for the dismissal of a case under these circumstances, but they do direct that the Federal Rules of Civil Procedure shall apply in any situation not provided for or controlled by these Rules. 29 C.F.R. Section 18.1(a). The Federal Rules provide for dismissal of an action by way of the parties who have appeared in the action. Fed. R. Civ. P. 41(a)(1)(ii).

On September 4, 1992, there was submitted a Stipulation of Dismissal signed by all parties in which a request is made that this case be dismissed with prejudice. The Stipulation of Dismissal

complies with the provisions of Fed. R. Civ. P. 41(a)(1)(ii) and upon consideration of the foregoing, IT IS ORDERED that the appeal of the Delilah Whitecloud American Indian Council, Inc. is hereby dismissed with prejudice.

RUDOLF L. JANSEN  
Administrative Law Judge

NOTICE OF APPEAL

Any party dissatisfied with the Decision and Order may appeal the Decision and Order to the Benefits Review Board within 30 days from the date of the decision by filing a written notice of appeal with the Benefits Review Board, Suite 757, 1111 20th Street, N.W., Washington, DC 20036.(20 C.F.R. Section 725.481)