

U.S. Department of Labor

Office of Administrative Law Judges
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Washington, D.C. 20036



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ILLINOIS MIGRANT COUNCIL

v.

DEPARTMENT OF LABOR
.....

84-JTP-10

ORDER DENYING RESPONDENT'S MOTION TO DISMISS,
GRANTING COMPLAINANT'S MOTION TO PRODUCE AND
DENYING COMPLAINANT'S MOTION FOR SANCTIONS

The Respondent's Motion to Dismiss the complaint on the ground that the Job Training Partnership Act is not applicable to this case is hereby denied. The period for performance of the grant in question extended beyond the transition period which ended on September 30, 1983 and into a period covered by the Job Training Partnership Act. The request for applications on the grant which is subject to this action provided that both the Comprehensive Employment and Training Act and the Job Partnership Act were applicable to this grant. The Respondent's argument that this complaint should be dismissed on mootness rests on its conclusion that only the Comprehensive Employment and Training Act is applicable to this case, that hearings on the record are not required under this Act, and therefore that the Equal Access to Justice Act is not applicable to this proceeding. The Job Training Partnership Act requires hearings on the record, and, thus, is subject to the Equal Access to Justice Act. Respondent's "mootness" argument therefore disappears with the conclusion that this case is subject to the Job Training Partnership Act.

The Complainant's motion for production is granted. A determination of the validity of the complaint cannot be made if evidence is limited solely to the actions taken by the Respondent on the Complainant's grant application. Comparison must be made with the actions taken on the other applications which were filed. The Respondent is hereby ordered to produce the requested documents within 10 working days of the issuance of this Order.

The Complainant's request for sanctions is denied as not appropriate since the Complainant will be provided with the documents it requests prior to proceeding with the hearing in this case.

Charles P. Rippey
CHARLES P. RIPPEY
Administrative Law Judge

Dated: 29 JAN 1985
Washington, D.C.

'CPR/pac

E-ALJ-000316

CERTIFICATE OF SERVICE

Case Name: Illinois Migrant Council v. U.S. Dept. of Labor

Case No. **84-JTP-10**

Title of Document: Order Denying Respondent's Motion to Dismiss,
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Denying Complainant's Motion for Sanctions

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