

U.S. Department of Labor

Office of Administrative Law Judges
1111 20th Street, N.W.
Washington, D.C. 20036



.....
In the Matter of

THE BLACK COUNCIL OF SANTA CLARA
Complainant

v.

COUNTY OF SANTA CLARA
Respondent
.....

Case No. 84-JTP-14

OWCP NO. 235-218-1318

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ORDER OF DISMISSAL

This matter arises under the Job Training Partnership Act (JTPA), 29 U.S.C. 1511-1592, and regulations promulgated and published by the Department of Labor to implement the Act. Complainant requests a formal hearing under 20 CFR §629.57 to challenge the procedures used by the County of Santa Clara to discontinue funding under the Act. The Department of Labor moves to dismiss the matter on grounds that complainant failed to exhaust local remedies, and failed to request the Grant Officer to investigate its assertions of non-compliance with the Act.

In its response to the motion, complainant attached a series of correspondence with various officials of the State of California, at both the county and State levels, regarding its requests for a hearing and appeal of the grievance. Complainant contends that this correspondence demonstrates exhaustion of its local remedies, and if it is denied access to a formal federal level hearing, it will effectively be denied access to any remedies. It appears that the documentation relating to complainant's attempts to exhaust local remedies has not previously been submitted to the Grant Officer. 1/


1/ In her motion to dismiss, counsel for the Grant Officer notes that the Grant Officer will not take jurisdiction of the matter prior to the exhaustion of State remedies. As noted, however, complainant had not previously presented to the Grant Officer any of the documentation attached to its response to the motion to dismiss.

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Under the framework of JTPA administrative procedures available to aggrieved parties, it is necessary, prior to initiating formal federal level adjudicatory proceedings, to seek review of the grievance before the Grant Officer. See Sections 264(f) and 166(a); of the Act, and 20 CFR §629.57(a). In this instance, the Grant Officer was neither requested to investigate complainant's allegations nor afforded the opportunity to review the matter and issue a determination on the merits of the complaint. Accordingly, the Office of Administrative Law Judges has no jurisdiction to proceed in this matter at this time. Therefore,

ORDER

IT IS ORDERED that this matter be, and it hereby is, DIMISSED.


STUART A. LEVIN
Administrative Law Judge

Dated: 2 OCT 1984
Washington, D.C.

Service Sheet

**Case Name: U.S. Department of Labor v. Black Council
of Santa Clara**

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Title of Document: ORDER OF DISMISSAL

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