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In the Matter of:

State of Maine ;

v.

U.S. Department of Labor

Case No. 84-JTP-2

DECISION AND ORDER ON  
MOTION FOR RECONSIDERATION

Penobscot Consortium, who was permitted by me to submit an amicus curiae brief in the above entitled matter has filed a Motion for Reconsideration dated June 9, 1984 of a Decision and Order entered by me on May 18, 1984. It is noted that Penobscot was not a party to the proceeding and thus I doubt that it has standing to file a Motion for Reconsideration, and thus I conclude that the motion should be dismissed. Furthermore, I find that, in any event, if it does have standing, the Motion must be dismissed as being untimely filed. In this connection, I note that neither the Job Training Partnership Act nor the Regulations provide rules of procedure for reconsideration of an Administrative Law Judge's decision. The rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges (29 C.F.R. Part 18) provides in 29 C.F.R. 18.1 that the Rules of Civil Procedure for the District Courts of the United States shall be applied in any situation not controlled by any statute, executive order or regulation. Thus Rule 59(e) of the Federal Rules of Civil Procedure appears applicable to a Motion for Reconsideration since that Rule concerns a Motion to Alter or Amend, and it provides that "(a) Motion to Alter or Amend the judgment shall be served not later than 10 days after entry of the judgment.\*\* Since my Decision and Order was entered on May 18, 1984 and Penobscot mailed its Motion for Reconsideration on June 9, 1984, Penobscot failed to file the motion within the 10-day time limit prescribed by Rule 59(e).

Accordingly, the Motion for Reconsideration is hereby dismissed.

*Chester Shatz*

CHESTER SHATZ<sup>3</sup>  
Administrative Law Judge

Dated: JUN 14 1984

Boston, Massachusetts

CS:rlb

E-ALJ-000327

Service Sheet

Case Name: Department of Labor v. State of Maine

Case No. 84-JTP-2

Title of Document: DECISION ON MOTION FOR RECONSIDERATION

This is to certify that all listed parties have been served a copy of the above-named document on ~~JUN 14 1984~~.

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