

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, N.W.
Washington, D.C. 20001-8002



DATE: JUL 28 1993

CASE NO.: 90-JTP-17

In the Matter of

PHOENIX INDIAN CENTER, INC.
Complainant

v.

U.S. DEPARTMENT OF LABOR
Respondent

ORDER

This matter arises under the Job Training Partnership Act ("**JTPA**"), 29 U.S.C. § 1579, et seq., and the regulations issued thereunder at 20 C.F.R. **Part 636**.

On April 7, 1993, this Office issued a Decision and Order in which **the** request for hearing by Phoenix Indian Center, Inc. ('Complainant') was dismissed and a default judgment was entered for failure of Complainant to participate in this matter. On June 22, 1993, Complainant filed with the Office of Administrative Appeals a Motion to Set Aside Order of Default Judgment. In this Order, Complainant stated that it had moved and never received at its new address a copy of the November 24, 1992 Show Cause Order issued by this Office. In light of the foregoing, the Secretary of Labor issued an Order Asserting Jurisdiction and Remand on July 21, 1993.

Pursuant to the Secretary's Order, it is hereby ORDERED that this matter with the above caption is REOPENED. In addition, the parties are hereby ORDERED to inform this Office of any change of address which may occur. Finally, Complainant is ORDERED to respond within thirty (30) days from the date of this Order to the April 6, 1990 Prehearing Order, a copy of which is attached.

JMV/lm


JOHN M. VITONE

E-ALJ-000345

U.S. Department of Labor

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



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In the Matter of :
:
PHOENIX INDIAN CENTER INC., :
Complainant :
:
vs. :
:
U.S. Department of Labor, :
Respondent :
.....

Case No. **90-JTP-17**
Grant No. 18-89-013-03-355

NOTIFICATION OF RECEIPT OF REQUEST FOR HEARING
AND PREHEARING ORDER

Pursuant to the Secretary of Labor's Regulations implementing regulations for programs under the Job Training Partnership Act, 20 C.F.R. {626 et seq. (Pub. L. 97-300)}, you are hereby NOTIFIED that a request for hearing was filed on March 22, 1990 and docketed with the above case number. A copy of the request and a copy of the Grant Officer's determination are attached.

It is hereby ORDERED that:

1. On or before May 7, 1990 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 submitting the case for disposition on a stipulated record, and such other matters as may aid in the disposition of the case.

3. Prehearing Exchange. On or before June 20, 1990 each party shall file with the Office of Administrative Law Judges:

(1) a simple statement of the issues to be decided and the relief or remedy sought.

(2) the name and address of each witness the party expects to call and a summary of the testimony each witness is expected to furnish.

- (3) a list of all the documents that party expects to use as evidence.
- (4) an estimate of the number of days required for hearing.
- (5) the Parties shall exchange copies of proposed documents and exhibits on or before the date specified for the prehearing exchange. **Any** documentary evidence not furnished will be excluded from the record unless good cause is shown for such failure to produce.
- (6) identify any other proceeding which is related to, or may affect the progress of this **case**, and explain the nature of the relationship to the instant case.
- (7) suggest a suitable location for the hearing and explain the preference for that location. It will be helpful for any of the parties to identify potential court or hearing room facilities that would be suitable for the trial of this 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. Copies of all documents filed with the Office of Administrative Law Judges must be served on all parties.

In case of settlement, the Office of Administrative Law Judges should be immediately advised of the circumstances by letter or telephone call.

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. VITTON
Deputy Chief Judge

Dated: APR - 6 1990
Washington, D.C.

JMV/sas

SERVICE SHEET

Case Name: Phoenix Indian Center Inc.

Case No.: 90-JTP-17

Title of Document: NOTIFICATION OF RECEIPT OF REQUEST FOR HRG

A copy of the above document was sent to the following:


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