



DATE

AUG 17 1993
IN THE MATTER OF

RURAL ALABAMA DEVELOPMENT CORP.
Complainant,

v.

U.S. DEPARTMENT OF LABOR,
Respondent

Case No. : 93-JTP-13

ORDER GRANTING RESPONDENT'S MOTION TO COMPEL

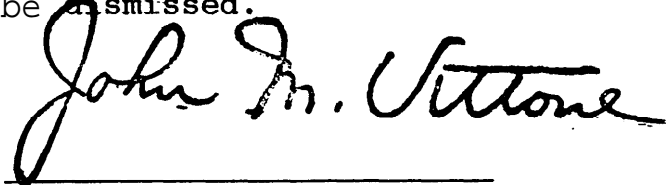
This matter arises under the Job Training Partnership Act, 29 U.S.C. 1501 et seq., and the regulations promulgated thereunder at 29 C.F.R. Part 636.

On February 12, 1993, the Employment and Training Administration, U.S. Department of Labor ("Respondent"), sent the Rural Alabama Development Corporation ("Complainant"), a notice of final determination regarding the findings and recommendations contained in an Audit Report of the Complainant for the period July 1, 1989 - December 31, 1991. The Notice alleged that the Complainant owed the U.S. Department of Labor **\$680,734**. The Complainant filed a request for a hearing with this Office on March 8, 1993. On March 22, 1993, this Office issued a Notification of Receipt of Request for Hearing and Prehearing Order, which required the parties to exchange certain information among themselves and with this Office on or before June 3, 1993. On June 2, 1993, Respondent filed its Prehearing Exchange with this Office. On July 9, 1993, having not received a response to the Prehearing Exchange from Complainant, Respondent filed with this Office a Motion to Compel the Complainant to file its Prehearing Exchange or show good cause why it had not complied with Prehearing Exchange. Further, the Respondent requested that this Office dismiss the case if the Complainant did not file its Prehearing Exchange or show good cause why it could not comply.

As of this date, Complainant has not responded to the Notification of Receipt of Request for Hearing and Prehearing Order. Title 29 C.F.R. **§ 18.6(d)(2)(v)** provides that where a party fails to comply with any order of the administrative law judge, the judge may:

[r]ule that a pleading, or part of a pleading, or a motion or other submission by the non-complying party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the non-complying party, or both.

Accordingly, Complainant is hereby ORDERED to file its Prehearing Exchange within thirty (30) days from the date of this Order or show cause why it has not complied with the Prehearing Exchange and why this case should not be dismissed.



JOHN M. VITTONI
Deputy Chief Judge

Washington, DC

JMV/RPF/mb

SERVICE SHEET

CASE NAME: Rural Alabama Development Corporation

CASE NO.: **93-JTP-13**

TITLE OF DOCUMENT: Order Granting Respondent's Motion to
Compel

I hereby certify that a copy of the above titled document was
mailed by regular mail on this 17th day of August, 1993, to the
following:

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