

Vittrone

U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
CINCINNATI, OHIO 45202

In the Matter of:)	
)	
KENTUCKY CABINET FOR)	
HUMAN RESOURCES,)	
)	
Complainant,)	
)	Case No. 93-JTP-16
v.)	
)	
U.S. DEPARTMENT OF LABOR,)	
)	
Respondent.)	
)	

AGREED JUDGMENT AND ORDER OF DISMISSAL AS SETTLED

This agreement is entered into between the U.S. Department of Labor (DOL) and the Kentucky Cabinet for Human Resources (Cabinet) .

The Cabinet received Job Training Partnership Act (JTPA) funds pursuant to Title I of the Act, 29 U.S.C. § 1501 et seq. An audit was performed for Program Years 1989-1990. On September 29, 1992 the Office of the Inspector General issued its final audit report, audit report number 04-92-046-03-340, to the Grant Officer. The audit report questioned \$146,590 in costs incurred by the Cabinet.

The Grant Officer issued his Final Determination on March 26, 1993. The Cabinet appealed the Final Determination to the Office of Administrative Law Judges on April 13, 1993, and the case was docketed as 93-JTP-16.

DOL and the Cabinet hereby desire to resolve the issues remaining in dispute.

Therefore, **DOL** and the Cabinet hereby stipulate and agree as follows:

1. The Grant Officer disallowed \$146,590 in costs improperly incurred by the Kentucky Department of Employment Services, a subgrantee of the State.

2. DOL has reviewed this matter and has determined, consistent with law and policy, that it is in the best interest of the Government to accept the Cabinet's offer of \$120,000 in full and final settlement of the \$146,590 in costs disallowed in the Final Determination.

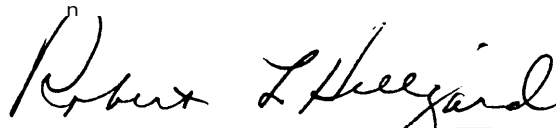
3. The Cabinet agrees to pay the Department of Labor, from non-federal sources, a total of \$120,000 in cash within ninety days of the entry of this Agreement. Interest will begin to run on \$120,000 on the ninety-first day after entry of the Agreement at the treasury rate until the judgment is paid in full. The Cabinet agrees that \$120,000 plus any accrued interest will be paid to the Department of Labor within 120 days from the date of entry of this Agreement. The Cabinet will be liable for the full amount of the disallowance, \$146,590, if it fails to remit payment and interest, as set forth in this paragraph, within **120** days of entry of this Agreement.

4. Payment shall be made by certified check, payable to the U.S. Department of Labor. The checks shall be sent to Division of Debt Management, Employment and Training Administration, U.S. Department of Labor, Room N-4671, 200 Constitution Avenue, N.W., Washington, D.C. 20210, **Attn: Ms. Marian** Floyd.

5. Each party agrees to bear its own fees and other expenses, including attorney fees, incurred by such party in connection with any stage of this proceeding.


The parties hereby stipulate that this agreement is the basis for the dismissal with prejudice of the 93-JTP-16.

This the 23rd day of November, 1994.

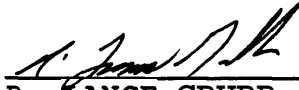


ROBERT L. HILLYARD
ADMINISTRATIVE LAW JUDGE

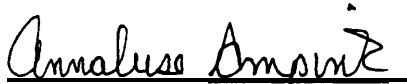
11/15/94
DATE


JOHN G. IRVIN, JR.
Attorney for the
Kentucky Cabinet for
Human Resources

11/16/94
DATE


R. LANCE GRUBB
Grant Officer
U.S. Department of Labor

11/16/94
DATE


ANNALIESE IMPINK
Attorney for the
U.S. Department of Labor

SERVICE SHEET

CASE NAME: Kentucky Department of Employment Services v. U. S.
Department of Labor

CASE NO.: 93-JTP-16

TITLE OF DOCUMENT: Agreed Judgment and Order of Dismissal as
Settled

I hereby certify that a copy of the above-referenced document was
mailed by first class mail this 23rd day of November,
1994, to the following parties:

Annaliese Impink, Esq.
Division of Employment &
Training Legal Services
Office of the Solicitor
U.S. Department of Labor
Suite N-2101
200 Constitution Ave., N.W.
Washington, DC 20210

Gary E. Bernstecker, Esq.
Office of the Solicitor
U. S. Department of Labor
Suite N-2101
200 Constitution Ave., N.W.
Washington, DC 20210

John G. Irvin, Jr., Esq.
McBrayer, McGinnis, Leslie & Kirkland
Suite 300
163 West Short Street
Lexington, KY 40507-1361

David O. Williams
Office of the Special Counsel
Employment & Training Admin.
Room N-4671
200 Constitution Ave., NW
Washington, DC 20210

Harry Sheinfeld, Counsel for Litigation
Office of the Solicitor
Room N-2101
200 Constitution Ave., NW
Washington, DC 20210

R. Lance Grubb
Grant/Contract Officer
Employment & Training Administration
Room N-4716
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210


Kathleen Dieckman
Legal Technician