

U.S. Department of Labor

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



Date: NOV 8 1993

In The Matter of:

COMANCHE INDIAN TRIBE OF OKLAHOMA
Complainant,

v.

U.S. DEPARTMENT OF LABOR,
Respondent

Case No.: 93-JTP-21

ORDER

This matter arises under the Job Training Partnership Act, 29 U.S.C. 1501 et seq., and the regulations promulgated thereunder at 20 C.F.R. Part 636.

The Comanche Indian Tribe of Oklahoma ("Comanche Tribe") sought to expand its JTPA service delivery area into areas currently and or previously served by other Indian tribes. The Grant Officer denied the Comanche Tribe's request by letter dated March 1, 1993. The Comanche Tribe filed a Request for Hearing on May 14, 1993. This Office issued a Notification of Receipt of Request for Hearing and Prehearing Order on May 20, 1993, in which the undersigned ordered the U.S. Department of Labor ("DOL") to, inter alia, notify all present and former applicants for the grant at issue of their opportunity to participate in the hearing. In response to the notifications sent by DOL, three Indian groups/tribes requested to participate in this proceeding including; the Four Tribes Consortium of Oklahoma, the Caddo Indian Tribe of Oklahoma, and the Kiowa Tribe of Oklahoma (hereinafter referred to collectively as "petitioners").

Under applicable regulations, a party has a right to intervene in an action if the administrative law judge determines that:

- 1) the final decision could directly and adversely affect the party;
- 2) the party may contribute materially to the disposition of the proceedings; and
- 3) the party's interest is not adequately represented by the existing parties.

29 C.F.R. § 18.10(b). An organization wishing to participate must submit a petition to the administrative law judge within fifteen days after it has knowledge of or should have known about the proceeding. The petition must be filed with the administrative law judge and served on each person or organization who has been made a party at the time of filing. Additionally, each petition must concisely state:

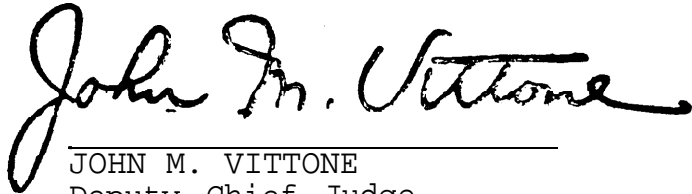
E-ALJ-000388

- (1) Petitioner's interest in the proceeding,
- (2) how his or her participation as a party will contribute materially to the disposition of the proceeding,
- (3) who will appear for petitioner,
- (4) the issues on which petitioner wishes to participate, and
- (5) whether petitioner intends to present witnesses.

29 C.F.R. § 18.10(c). If objections to the petition are filed, the administrative law judge shall then determine whether petitioners have the requisite interest to be a party in the proceedings. 29 C.F.R. § 18.10(d).

The aforementioned requirements have not been met by all of the petitioners. Accordingly, I hereby ORDER that the Four Tribes Consortium and the Caddo Indian Tribe show cause, within thirty (30) days from the date of this Order, why they should be allowed to participate in this proceeding. All of the relevant requirements of 29 C.F.R. § 18.10 should be addressed.

A Motion to Intervene filed by the Kiowa Indian Tribe which adequately conformed to the regulations has been received in this Office. The current parties to this proceeding are reminded that they have ten (10) days from the date of service of the motions in which to file any objections they may have. 29 C.F.R. § 18.6(b). Additionally, all parties are reminded to properly serve all other parties and this Office. 29 C.F.R. § 18.3.



JOHN M. VITTON
Deputy Chief Judge

Washington, DC

JMV/rpf/mb

SERVICE SHEET

Case Name: Comanche Indian Tribe of Oklahoma

Case No.: 93-JTP-21

Title of Document: Order

I hereby certify that a true and correct copy of the above referenced document was mailed by regular mail on November 8th, 1993 to the following:

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