

U.S.. Department of Labor

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



Date Issued: April 1, 1994

Case No.: 93-JTP-25

In the Matter of:

AMERICAN INDIAN HEALTH  
SERVICES, INC.,  
Complainant

v.

U. S. DEPARTMENT OF LABOR,  
Respondent

BEFORE: JOHN M. VITTON  
Deputy Chief Judge

DECISION AND ORDER

This proceeding arises under the Job Training Partnership Act (JTPA), 29 U.S.C. § 1579(a) and the applicable regulations set forth at 20 C.F.R. § 636 et sea.

On May 27, 1993, the U. S. Department of Labor (DOL) issued a final determination notifying American Indian Health Service of Chicago, Inc., (Complainant) of the denial of their request for designation as a Job Training Partnership Act Grantee. By letter dated June 17, 1993, Complainant requested a hearing before this Office. On June 29, 1993, this Office issued a Notification of Receipt of Request for Hearing and Prehearing Order, which required both parties to file certain information relating to this matter. DOL filed its response to the Prehearing Order on August 19, 1993. On January 5, 1994, this Office issued an Order to Show Cause for Complainant's failure to respond to the Prehearing Order. To date, Complainant has failed to respond to the Prehearing Order or the Order to Show Cause.

The regulations issued at 29 C.F.R. § 18.6(d)(2)(v) provide that where a party fails to comply with an order, the administrative law 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.

E-ALJ-000393

After considering Complainant's failure to participate in this matter, it is hereby ORDERED that Complainant's request for a hearing is DISMISSED and judgment by default is entered in this case. Accordingly, the Final Determination is affirmed and Complainant's request for designation as a Job Training Partnership Act Grantee is hereby DENIED.

  
JOHN M. VITTON  
Deputy Chief Judge

JMV/shr

**SERVICE SHEET**

. Case Name: American Indian Health Service

Case No.: **93-JTP-25**

Title of Document: DECISION AND ORDER

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