

U.S. Department of Labor

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

Burke



Dated: June 22, 1998

In the Matter of

NEBRASKA INDIAN INTER-TRIBAL DEVELOPMENT CORP.
Complainant

v.

U.S. DEPARTMENT OF LABOR
Respondent

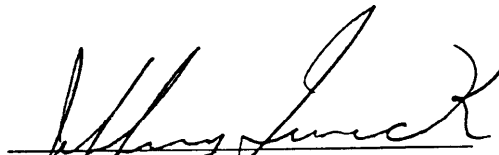
Case No.: 94-JTP-3 1

ORDER OF REMAND

On February 5, 1997, I issued an order setting this case, through which the Department of Labor is seeking repayment of \$621,993 in disallowed costs under the Job Training Partnership Act, for hearing in Omaha, Nebraska on May 8, 1997. At the request of the four individual members of the Tribal Consortium, I continued the hearing until December 2, 1997. On November 13, 1997, counsel for DOL, noting that the complainant filed for bankruptcy on June 20, 1997, requested a further continuance until May 2, 1998 in order to determine the effects of the bankruptcy proceeding on this case. Rather than set another trial date, on November 21, 1997 I issued an order continuing the hearing indefinitely, and requested counsel for DOL to keep me informed of the status of the bankruptcy proceeding.

At this time, DOL is still unsure of how to proceed with this case, and does not know when a decision can be made regarding its future course. Under the circumstances, I suggested that the most prudent action may be to remand the case to the Grant Officer. Last week, DOL counsel informed this Office that she agrees with this assessment, and requests that the case be remanded. Therefore, for good cause shown,

IT IS ORDERED that this case is remanded to the Grant Officer for further consideration.


JEFFREY TURECK
Administrative Law Judge

E-ALJ-000411

Roger R. Shoell, Esq.
Grimes, Buck, Schoell & Beach
P.O. Box 776
Marshalltown, IA 50158-0776

Viola A. Bumette, Esq
Flandreau Santee Sioux Tribe
P.O. Box 283
Flandreau, SD 57028

Frank LaMere
Executive Director
Nebraska Indian Inter-Tribal Development
Corporation
R.R. #1, Box 17
Winnebago, NE 68071