

U.S. Department of Labor

Office of Administrative Law Judges
11870 Merchants Walk - Suite 204
Newport News, VA 23606

(757) 591-5140
(757) 591-5150 (FAX)



Issue Date: 04 January 2008

Case No.: 2007-WIA-00004

In the Matter of:

ORO DEVELOPMENT CORPORATION,
Complainant,
v.

UNITED STATES DEPARTMENT OF LABOR, and
GRANT OFFICER, JAMES W. STOCKTON,
Respondents.

INITIAL ORDER OF DISMISSAL

This case arises under the Workforce Investment Act of 1998 (“WIA” or “Act”), 29 U.S.C. §§ 2801-2945 (2000) and the implementing regulations at 20 C.F.R. §§ 660-671 (2007). On July 6, 2007, Complainant appealed Grant Officer Stockton’s decision not to select Complainant as the WIA § 167 grantee to operate the National Farmworker Jobs Program (“NFJP”) for the state service area of Oklahoma. (Compl.) On August 29, 2007, counsel for Complainant filed a praecipe, in which he informed the Undersigned that subsequent to the filing of its appeal, Complainant had been awarded the grant. (Praecipe.) Accordingly, on January 3, 2008, because all issues had been resolved between the parties, counsel for Complainant filed a Notice of Dismissal, in which it requested that this action be dismissed without prejudice. (Mot.)

ORDER

Accordingly, it is hereby ORDERED that Complainant’s Motion is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

A

Daniel A. Sarno, Jr.
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file exceptions (“Exception”) with the Administrative Review Board (“Board”) within twenty (20) days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 667.830. The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Your Exception must specifically identify the procedure, fact, law, or policy to which exception is taken. You waive any exceptions that are not specifically stated. Any request for an extension of time to file the Exception must be filed with the Board, and copies served simultaneously on all other parties, no later than three (3) days before the Exception is due. *See* 20 C.F.R. § 667.830; Secretary’s Order 1-2002, ¶4.c.(42), 67 Fed. Reg. 64272 (2002).

A copy of the Exception must be served on the opposing party. *See* 20 C.F.R. § 667.830(b). Within forty-five (45) days of the date of an Exception by a party, the opposing party may submit a reply to the Exception with the Board. Any request for an extension of time to file a reply to the Exception must be filed with the Board, and a copy served on the other party, no later than three (3) days before the reply is due. *See* 20 C.F.R. § 667.830(b).

If no Exception is timely filed, the administrative law judge’s decision becomes the Final Decision and Order of the Secretary of Labor pursuant to 20 C.F.R. § 667.830(b) unless the Board notifies the parties within thirty (30) days of the date of issuance of the administrative law judge’s decision that it will review the decision. Even if an Exception is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the filing of the Petition notifying the parties that it has accepted the case for review. *See* 20 C.F.R. § 667.830(b).