

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 09 January 2004

CASE NOS.: 2000-OAA-0002, 2001-OAA-0001, 2001-OAA-0002

In the Matter of:

**NATIONAL COUNCIL OF SENIOR CITIZENS,
Complainant in Case Nos. 2000-OAA-0002, 2001-OAA-0001, 2001-OAA-0002, and**

**NATIONAL SENIOR CITIZENS EDUCATION AND RESEARCH CENTER,
Complainant in Case Nos. 2001-OAA-0001, 2001-OAA-0002,**

v.

**UNITED STATES DEPARTMENT OF LABOR,
Respondent.**

FINAL ORDER OF DISMISSAL

This case has been brought under the provisions of the Senior Community Service Employment Program (SCSEP), authorized by the Older Americans Act, as amended, 42 U.S.C. §§ 3056, 3056a to 3056n, with implementing regulations appearing at 20 C.F.R. Part 641, and 29 C.F.R. Part 96, subpart F. Many of the issues were resolved on a preliminary basis in the Order Granting Partial Summary Judgment issued by the undersigned administrative law judge on June 4, 2003.

On January 6, 2004, the parties submitted to the undersigned a "Joint Stipulation for Dismissal with Prejudice" executed by all the parties in December 2003, pursuant to which the parties agree to dismissal of this action with prejudice. *See generally* Rule 41(a) of the Federal Rules of Civil Procedure; 29 C.F.R. § 18.1(a). The parties advise that they have reached a settlement by a settlement agreement dated December 19, 2003. However, the settlement agreement is not submitted for review.

Although usually settlement agreements are submitted to administrative law judges for approval in cases, such as this, in which there have been lengthy proceedings, there is no requirement that they be submitted. *See* 20 C.F.R. §641.415. *Compare Indiana Dept. of Workforce Development v. U.S. Dept. of Labor*, 1997-JTP-15 (Admin. Review Bd. Dec. 8, 1998) (holding ALJ has no authority to require submission of settlement agreement in JTP case when parties have stipulated to dismissal under Rule 41(a)(1)(ii), FRCP, and contrasting ERA cases, which require approval of settlements.) Accordingly,

ORDER

IT IS HEREBY ORDERED, that this case be, and hereby is, **DISMISSED WITH PREJUDICE**.

A

PAMELA LAKES WOOD
Administrative Law Judge

Washington, D.C.

NOTICE: This Final Order of Dismissal will automatically become the final order of the Secretary unless, pursuant to 20 C.F.R. §641.415, a petition for review is filed **within 21 days** of receipt with the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.