



**Issue Date: 14 August 2007**

Case No.: 2007WIA00003

In the Matter of:

COMMONWEALTH OF PUERTO RICO,  
DEPARTMENT OF LABOR AND HUMAN RESOURCES,  
RIGHT TO EMPLOYMENT ADMINISTRATION,  
Complainant,

v.

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

**ORDER OF REMAND**

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 (2001). On July 2, 2007, Complainant appealed Grant Officer Stockton’s decision not to select Complainant as “a grantee under WIA § 167 to operate the National Farmworker Jobs Program (“NFJP”) for the State service area of the Commonwealth [of] Puerto Rico for the grant year beginning July 1, 2007.” (Compl. at 1.)

On August 8, 2007, Respondents filed a Motion for Remand.<sup>1</sup> In their motion, Respondents state that the grantee selection process for the Puerto Rico service area grantee may not have fully complied with the procedure for scoring applications as set forth in the Solicitation for Grant Applications. (Mot. at 2.) The Respondents therefore further state that, in view of how close Complainant came to qualifying for further consideration, Respondents request that the case be remanded so that the applications for the Puerto Rico service area can be rescored by a new panel. (Mot. at 2.) Respondents assert that they are committed to “expediting the rescoring process, with panel results forwarded to the [Grant Officer] by August 24, 2007 and designation announced by August 30, 2007[.]” (Mot. at 2.) By Response filed August 10, 2007,

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<sup>1</sup> Respondents have withdrawn their Motion for Protective Order, filed August 7, 2007. (Mot. at 2.)

Complainant informed this Judge that it does not object to the case being remanded.<sup>2</sup> (Resp. at 2.)

**ORDER**

Accordingly, it is hereby ORDERED that:

1. Employer's Motion is **GRANTED** and the matter is remanded to the Grant Officer for further review.
2. The hearing scheduled for the week of September 10, 2007, in Newport News, Virginia, is hereby **CANCELED**.

**SO ORDERED.**

**A**

Daniel A. Sarno, Jr.  
Administrative Law Judge

DAS/mam

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<sup>2</sup> Specifically, Complainant states that it “does not object to Respondents’ motion to the extent that it restores the parties to their positions *status quo ante*” and “does not object to the relief sought, without prejudice to its rights to inquire into and question the grant competition and selection process after the designation decision is announced on or before August 30, 2007.” (Resp. at 2.) Under the circumstances of this case, the Presiding Judge notes that the Grant Officer’s award of the grant, based on the recommendations of a newly convened panel, will constitute a new decision, for which any party, as permitted under Section 185(a) of the Act (29 U.S.C. § 2936) and Section 667.800 of the regulations (20 C.F.R. § 667.800), may appeal pursuant to the procedures set forth therein.