

U.S. Department of Labor

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DATE: October 31, 1995

CASE NO.: 95-JTP-2

In the Matter of

THE NAVAJO NATION,
Complainant,

v.

U.S. DEPARTMENT OF LABOR,
Respondent.

ORDER OF DISMISSAL WITH PREJUDICE

This matter arises under the Job Training Partnership Act (JTPA)' 29 U.S.C. §1501, *et sea.*, and the regulations promulgated thereunder at 20 C.F.R. Part 636. Complainant, The Navajo Nation, seeks review of the Final Determination of Respondent dated September 9, 1994, in which costs in the amount of \$158,691 were disallowed under the JTPA and the implementing regulations.

Since early 1995, there has been several indications from the parties as to the possibility of resolving this matter without the need for litigation. **Based** thereon, the undersigned administrative law judge sent a letter to the parties dated September 29, 1995, requesting that they either transmit settlement documents or contact this office to set a mutually agreeable time for a formal hearing.

On October 16, 1995, the undersigned received correspondence from Respondent in answer to the September 29, 1995, request. This letter indicated **that the** Grant Officer had decided to withdraw the Final Determination, and that an appropriate motion for dismissal would be filed by Respondent within the near future.

Grant Officer's Motion to Dismiss with Prejudice ("Respondent's Motion") was received in this office on October 30, 1995. In this motion, it is asserted that:

the Grant Officer determined that **the** Final Determination did not accurately reflect the grounds upon which the disallowances were based. Therefore, on October 13, 1995, the Grant Officer withdrew her final **determination**. Consequently, there are no longer any issues pending before the ALJ, and the case should be dismissed.

E-ALJ-000414

(Respondent's Motion, at 1-2) (footnote omitted). The motion also notes **that the** withdrawal of the Final Determination was within the authority of the Grant Officer, citing Florida Department of Labor and Economic Security v. U.S. Department of Labor, 92-JTP-21 (August 16, 1994). Lastly, the motion states that Complainant had been informed of the withdrawal and had no objections to a dismissal.

Based upon the foregoing, it is found **that there** are no longer any issues pending before the undersigned in this matter, and therefore Respondent's motion shall be granted.

ORDER

IT IS HEREBY ORDERED that the above entitled matter shall be dismissed with prejudice.

Entered this 31st day of October, 1995, at Long Beach, California.



SAMUEL J. SMITH
Administrative Law Judge

SERVICE SHEET

Case Name: NAVAJO NATION V. U.S. DEPARTMENT OF LABOR

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