



In the Matter of:

**UNITED STATES DEPARTMENT OF
LABOR, OFFICE OF FEDERAL
CONTRACT COMPLIANCE
PROGRAMS,**

ARB CASE NO. 11-033

ALJ CASE NO. 2011-OFC-002

DATE: April 11, 2011

PLAINTIFF,

v.

UNITED SPACE ALLIANCE, LLC,

DEFENDANT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Plaintiff:

Jeffrey Lupardo, Esq.; Consuela A. Pinta, Esq.; Beverly I. Dankowitz, Esq.; M. Patricia Smith, Esq.; *United States Department of Labor*, Washington, District of Columbia

For the Defendant:

Howard M. Radzely, Esq.; William E. Doyle, Jr., Esq.; Simon J. Torres, Esq.; Amanda C. Dupree, Esq.; *Morgan, Lewis & Bockius LLP*, Washington, District of Columbia

NOTICE OF CASE CLOSING

On February 28, 2011, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order in this case arising under Executive Order No. 11375,¹ Executive Order No. 12086,² and Executive Order 13279³ (collectively,

¹ 32 Fed. Reg. 14303.

² 43 Red. Reg. 46501.

Executive Order); Section 503 of the Rehabilitation Act of 1973, as amended,⁴ and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.⁵ The ALJ recommended: 1) that the Defendant, United Space Alliance comply with a desk audit within 30 days of the Administrative Review Board's final decision in this case, 2) that any compliance review authorized by the Board should be limited to gathering the data and/or documents related to the 18 questions concerning possible violations of the Executive Order and 3) that should the Defendant fail to comply with the desk audit and/or on-site compliance review, the ARB should cancel all of the Defendant's present federal contracts and debar all future federal contracts until the Defendant is in compliance with the Board's order.⁶

The ALJ conducted the proceedings before him pursuant to the expedited procedures at 41 C.F.R. § 60-30.31 - 60-30.37 (2010). Pursuant to these procedures, exceptions to the ALJ's recommended decision may be filed with the Board "[w]ithin 10 days after receipt of the recommended findings, conclusions and decision"⁷ If the Board does not issue "a final Administrative order within 30 days after the expiration of the time for filing exceptions, the Administrative Law Judge's recommended decision shall become a final Administrative order which shall become effective on the 31st day after expiration of the time for filing exceptions."⁸

The Board did not issue a final Administrative order within 30 days after the time for filing exceptions expired. Accordingly, the Administrative Law Judge's February 28, 2011 Recommended Decision and Order becomes the final Administrative order in this case, and the Board's case number 11-033 is **CLOSED**.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

³ 67 Fed. Reg. 77141.

⁴ 29 U.S.C. § 793 (2002)

⁵ 38 U.S.C. §§ 4211-4212 (2000).

⁶ Recommended Decision & Order at 12.

⁷ 41 C.F.R. § 60-30.36.

⁸ 41 C.F.R. § 60-30.37.