



In the Matter of:

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

ARB CASE NO. 11-060

ALJ CASE NO. 2011-OFC-005

DATE: September 13, 2011

PLAINTIFF,

v.

MANHEIM, INC.,

and

**MANHEIM AUCTIONS GOVERNMENT
SERVICES, LLC, d/b/a/ MANHEIM
GOVERNMENT SERVICES,**

DEFENDANTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Plaintiff:

**Lydia A. Jones, Esq.; Channah S. Broyde, Esq.; Stanley E. Keen, Esq.; M.
Patricia Smith, Esq.; *United States Department of Labor, Atlanta, Georgia***

For the Defendants:

**Jason S. McCarter, Esq. and Matthew T. Parrish, Esq., *Dow Lohnes PLLC,*
*Atlanta, Georgia***

**BEFORE: Paul M. Igasaki, *Chief Administrative Appeals Judge* and E. Cooper
Brown, *Deputy Chief Administrative Appeals Judge***

ORDER GRANTING AMENDED CONSENT DECREE

On June 14, 2011, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order Granting Summary Decision to Plaintiff and Directing Defendants to Comply with Existing Law and Implementing Regulations under Threat of Imposed Sanctions (R. D. & O.) in this case arising under Executive Order 11246, as amended by Executive Order 11375; Section 503 of the Rehabilitation Act of 1973, 29 U.S.C. § 793; the Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212, as amended; and implementing regulations at Title 41, Chapter 60 of the Code of Federal Regulations. The Administrative Review Board (ARB or the Board) has jurisdiction to review the Defendants' exceptions to the ALJ's R. D. & O. and to issue the Department's final decision.¹

On June 30, 2011, the Parties filed a proposed Consent Decree with the Board and requested the Board to adopt the Consent Decree as the Final Order in this matter. On August 15, 2011, the Parties filed an Amended Decree to correct a contract number for one of the General Services Administration contracts listed in the decree and to re-format the signature block for signature by the Administrative Review Board.

The parties to this action have negotiated and executed a Consent Decree in final resolution of OFCCP's claims. The Consent Decree provides that it "shall constitute the final Administrative Order in this case."² Furthermore, "[a]ll further procedural steps to contest the binding effect of this Consent Decree, and any right to challenge or contest the obligations entered into in accordance with the agreement contained in this Decree, are waived by the parties."³

¹ 41 C.F.R. §§ 60-30.30, 60-250.65(b)(1), 60-741.65. See Secretary's Order No. 1-2010 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 75 Fed. Reg. 3924 (Jan. 15, 2010). On June 23, 2011, the Defendants filed Defendants' Unopposed Request for Additional Time to File Exceptions. On June 27, 2011, the Board issued an Order Granting Motion for Enlargement of Time to File Exceptions.

² Consent Decree at 8.

³ *Id.* at 2.

We **APPROVE** the Consent Decree attached to this Order and hereby enter it as the final administrative order in this case.⁴

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

⁴ *Accord OFCCP v. United Airlines*, ARB No. 02-100, ALJ No. 1986-OFC 012 (ARB Nov. 26, 2002); *OFCCP v. Beverly Enters., Inc.*, ARB No. 02-009, ALJ No. 1999-OFC-011 (ARB Apr. 30, 2002); *OFCCP v. Jacksonville Shipyards, Inc.*, ARB No. 97-116, ALJ No. 1989-OFC-001 (ARB Sept. 25, 1998); *OFCCP v. USAIR, Inc.*, No. 1988-OFC-017 (Sec’y June 30, 1992); *OFCCP v. Interco, Inc.*, No. 1986-OFC-002 (Sec’y July 31, 1989). *See also* 41 C.F.R. §§ 60-1.26; 60-741.65; 60-300.65 and 41 C.F.R. Part 60-30.