



**In the Matter of:**

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

**ARB CASE NO. 08-019**

**ALJ CASE NO. 2007-WIA-010**

**DATE: February 6, 2008**

**COMPLAINANT,**

**v.**

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

**RESPONDENTS,**

**and**

**RURAL OPPORTUNITIES, INC.,**

**PARTY-in-INTEREST.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

***For the Complainant:***

Steven D. Cundra, Esq.; Amy Epstein Gluck, Esq.; *Roetzel & Andress, LPA*,  
Washington, District of Columbia

***For the Respondent:***

Stephen R. Jones, Esq.; Harry L. Sheinfeld, Esq.; Gary M. Buff, Esq., *United  
States Department of Labor*, Washington, District of Columbia

***For the Party-in-Interest***

Thomas A. Fink, Esq., *Davidson Fink LLP*, Rochester, New York

## FINAL DECISION AND ORDER DISMISSING APPEAL

This case came before a United States Department of Labor Administrative Law Judge (ALJ) to conduct a hearing and render a decision under the provisions of the Workforce Investment Act (WIA).<sup>1</sup> On November 13, 2007, the ALJ issued his decision: “Summary Judgment Vacating: Second Review Panel Disqualification of REA & Grant Award to ROI as Sole Qualified Applicant [and] Denial of Motion for Summary Decision Awarding Grant to REA.” The Party-in-Interest, Rural Opportunities, Inc. (ROI), petitioned the Administrative Review Board to review this decision.<sup>2</sup> Both the Complainant, Commonwealth of Puerto Rico, Department of Labor and Human Resources, Right to Employment Administration, and the Respondents, United States Department of Labor and Grant Officer James W. Stockton, filed oppositions to the petition.

The Board accepted the case for review and issued a briefing schedule. But on January 31, 2008, counsel for ROI wrote to the Board indicating that it “hereby withdraws or otherwise discontinues its appeal as to ARB Case No.: 08-019.” Counsel explained:

Following the Decision and Order of the Administrative Law Judge issued November 13, 2007, it was our understanding that a third panel review process would be instituted, ultimately resulting in a new decision as to the WIA Grantee. However, we have been advised by Stephen R. Jones, the attorney for the U.S. Department of Labor . . . that due to the appeal, the third panel review process would not proceed. We have communicated to Steven D. Cundra, Esq., the attorney for the Complainant, REA, that ROI may be willing to withdraw its appeal. Now, having consulted with our client, ROI has authorized that we withdraw our appeal and request that USDOL proceed with the third

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<sup>1</sup> 29 U.S.C.A. § 2801-2945 (West 1999). The applicable regulations are found at 20 C.F.R. Part 667, Subpart H (2007).

<sup>2</sup> See 20 C.F.R. § 667.830.

panel review process in connection with the instant grant award as soon as possible.

Accordingly, as ROI has withdrawn its appeal of the ALJ's decision, this appeal is **DISMISSED.**

**SO ORDERED.**

**OLIVER M. TRANSUE**  
**Administrative Appeals Judge**

**M. CYNTHIA DOUGLASS**  
**Chief Administrative Appeals Judge**