



In the Matter of

STATE OF TEXAS DEPARTMENT OF COMMERCE,

COMPLAINANT,

ARB CASE NO. 96-135

(ALJ Case No. 94-JTP-20

and

DATE: June 14, 1996

MIDDLE RIO GRANDE DEVELOPMENT COUNCIL,

INTERVENOR AND
PARTY IN INTEREST,

v.

UNITED STATES DEPARTMENT OF LABOR,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER ASSERTING JURISDICTION AND
ESTABLISHING A BRIEFING SCHEDULE

Upon consideration of the exceptions by counsel for the Grant Officer, and pursuant to Section 166 of the Job Training Partnership Act (JTPA), 29 U.S.C. §§ 1501, 1576 (1988), it is ORDERED that

^{1/} On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and these regulations to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996)(copy attached).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order and regulations under which the Board now issues final agency decisions. A copy of the final procedural revisions to the regulations (61 Fed. Reg. 19982), implementing this reorganization is also attached.

1. Jurisdiction is asserted in this case, and the decision of the Administrative Law Judge is STAYED pending final determination; and

2. The Grant Officer is invited to submit an Initial Brief on or before 30 days from the *date of this Order*; the State of Texas Department of Commerce (TDOC) and the Middle Rio Grande Development Council (MRGDC) may each submit a response brief on or before 60 days from the date of this Order; and the Grant Officer may submit a reply brief on or before 80 days from the date of this Order. Initial and response briefs shall be limited to 25 typed pages and the reply brief shall be limited to 10 pages.^{2/}

The parties are reminded that pursuant to Section 166 of JTPA, 29 U.S.C. § 1576(c), if the Board does not issue a final decision within 180 days of the date of this Order, the decision of the Administrative Law Judge becomes final. Accordingly, requests for modification of this briefing schedule will be disfavored and will not be granted absent good cause shown.

Filings shall be submitted to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-4309, Washington, D.C., 20210.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member

^{2/} Pleadings are expected to conform to the page limitations and should be prepared in Courier 12 point, 10 character-per-inch type or larger, with minimum one inch left and right margins and minimum 1.25 inch top and bottom margins, printed on 8 ½ by 11 inch paper. This requirement is necessary because some parties have attempted to evade the page limits of previous briefing schedules.