

APPLICATION OF THE

Docket No. 97-7-O

YUROK TRIBE,

Indian Vocational Education Program Proceeding

Applicant.

DECISION

Yurok Tribe (Yurok) submitted a request for a hearing in order to appeal a decision by the Secretary not to include Yurok among the 25 applicants selected in a competitive grant process for the award of a grant under the Indian Vocational Education Program. 34 C.F.R. § 401.23(1996). Yurok's application was one of 80 applications reviewed, evaluated, and rated.

Upon the receipt of the request for a hearing, the Office of Administrative Law Judges issued an Order Governing Proceedings which required the Assistant Secretary for Vocational and Adult Education (Assistant Secretary) to produce, *inter alia*, the comments by the readers who evaluated Yurok's application, Yurok's rating, and the ratings of the successful applicants. Thereafter, the Order Governing Proceedings required Yurok to submit on or before February 11, 1997, a memorandum which addressed its complaints regarding its evaluation.

Yurok did not submit its memorandum. One week later, the Assistant Secretary filed a Motion to Dismiss for Yurok's failure to prosecute its case and, in the alternative, requested a summary ruling upholding the Secretary's denial of funding to Yurok.

In light of the Assistant Secretary's motion, the tribunal issued a Show Cause Order on February 20, 1997, which required Yurok to explain its reasons for missing the due date for its memorandum and required Yurok to submit its memorandum. This response was due by February 25, 1997.

Inasmuch as Yurok has not complied with the Show Cause Order, it is **HEREBY ORDERED** that its request for a hearing is dismissed with prejudice.

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Allan C. Lewis

Chief Administrative Law Judge

Issued: February 28, 1997  
Washington, D.C.

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## SERVICE

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On February 28, 1997, a copy of the attached document was sent by certified mail, receipt requested to the following:

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