



DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

RIN 1290-AA36

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

AGENCY: Office of the Secretary, Department of Labor.

ACTION: Direct final rule; withdrawal.

SUMMARY: Due to the receipt of significant adverse comment, the Department of Labor is withdrawing the January 11, 2021 direct final rule (DFR) that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers, required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing, and required advance notice to the parties of the manner of a hearing or prehearing conference.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the direct final rule published at 86 FR 1800 on January 11, 2021, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Todd Smyth, General Counsel, U.S.

Department of Labor, Office of Administrative Law Judges, 800 K Street NW, Washington, DC 20001-8002; telephone (513) 684-3252. Individuals with hearing or speech impairments may access the telephone number above by TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: In the DFR, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the Federal Register informing the public that the DFR will not take effect. The Department also issued an identical notice of proposed rulemaking (NPRM) on the

same day (86 FR 1862). The Department received significant adverse comment prior to the close of the comment period and is therefore withdrawing the DFR. The Department also received a request to extend the comment period and will reopen the comment period for the NPRM for 15 days in a future document. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during the subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department plans to hold listening sessions during the coming weeks for users to provide feedback on the system. Information about those sessions will be announced at <https://efile.dol.gov>.

List of Subjects in 29 CFR Part 18

Administrative practice and procedure, Labor.

PART 18—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

Accordingly, the amendments to 29 CFR part 18, published in the *Federal Register* on January 11, 2021 (86 FR 1800), are withdrawn as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Milton A. Stewart,

Acting Secretary of Labor.