

U.S. Department of Labor

Office of Administrative Law Judges
O'Neill Federal Building - Room 411
10 Causeway Street
Boston, MA 02222

(617) 223-9355
(617) 223-4254 (FAX)



Issue Date: 25 November 2008

CASE NO: 2009-LCA-00001

In the Matter Of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,**
Prosecuting Party

v.

MAHAOM, LLC
Respondent

**ORDER GRANTING RESPONDENT'S MOTION FOR
WITHDRAWAL AND DISMISSAL OF HEARING REQUEST**

This action before the Department of Labor's Office of Administrative Law Judges was initiated upon the Respondent's request for a hearing on the Prosecuting Party's enforcement of H-1B Labor Condition Applications under Section 212(n) of the Immigration and Nationality Act, 8 U.S.C. § 1182(n), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart I.¹ A Notice of Hearing and PreHearing Order was issued on October 10, 2008, scheduling the hearing for November 18, 2008, in New London, Connecticut.

On October 22, 2008, Respondent filed a Motion to Allow Continuance of Hearing stating that he had been in contact with the other parties, and was attempting to reach a settlement. Mot. at 1. A telephone conference call was held with all parties on October 24, 2008. After considering the parties' statements, a continuance of thirty days was granted to permit the parties an opportunity to explore settlement. The hearing was rescheduled for December 18, 2008.

¹ On September 24, 2008, the Administrator, Wage and Hour Division, United States Department of Labor ("Administrator") issued a Determination that Respondent failed to pay wages as required by statute and regulation. The Administrator determined Respondent owed \$33,716.15 in back wages which were due to be paid within 15 days unless respondent appealed the Administrator's Determination.

On November 24, 2008, the Respondent filed a Motion for Withdrawal/Dismissal of Request for Hearing. The Motion states that Respondent wishes to withdraw its request for hearing, and that counsel for the Administrator assents to the motion. Upon consideration of the motion and in light of the agreement of the Administrator, the Respondent's motion is GRANTED, the matter is dismissed and the hearing scheduled for December 18, 2008 is canceled. The Administrator's September 24, 2008 Determination is now a final order of the Secretary of Labor.

SO ORDERED.

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COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts