

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 08 November 2012

Case No.: 2012-PED-00005

In the Matter of:

ADMINISTRATOR,
OFFICE OF FOREIGN LABOR CERTIFICATION,
EMPLOYMENT AND TRAINING ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,
Complainant,

v.

SEALOCK, INC.,
Respondent.

ORDER OF DISMISSAL

This case arises from appeal of a debarment proceeding from the H-2A Labor Certification Program, pursuant to 20 C.F.R. § 655.182(f), with hearings conducted pursuant to 29 C.F.R. Part 18.

On August 22, 2012, pursuant to 20 C.F.R. § 655.182, the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, United States Department of Labor, issued a Notice of Debarment, informing the Respondent, Sealock, Inc., of the Administrator's intention to debar the employer from the H-2A labor certification program. The Notice of Debarment was based on the employer's failure to pay the required labor certification fee in a timely manner.

On August 23, 2012, the Respondent replied to the Administrator's Notice of Debarment and provided rebuttal evidence which included payment of the labor certification fee. After considering the rebuttal evidence, the Administrator has decided to rescind the employer's debarment related to failure to pay the certification fee and stated this in a Final Determination, dated September 21, 2012. The Administrator further stated that the employer's future nonpayment or untimely payment of H-2A labor certification fees will be considered a substantial violation subject to debarment pursuant to 20 C.F.R. § 655.182.

Consequently, because the Administrator will not go through with the debarment, there is no issue remaining to be resolved at a hearing. Accordingly, **IT IS ORDERED** that the above-captioned matter is **HEREBY DISMISSED**.

SO ORDERED.

JOSEPH E. KANE
Administrative Law Judge