

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 October 2005

CASE NO. 2006-TLC-00001

ETA Case No. C-05252-00192

In the Matter of:

SPRING GARDEN NURSERY,
Employer

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a) and its implementing regulations found at 20 C.F.R. Part 655. On October 3, 2005, the Employer requested a hearing before the Office of Administrative Law Judges regarding the Employment and Training Administration's ("ETA") decision not to accept a temporary alien agricultural labor certification application the Employer had filed. The undersigned set the hearing for **10:00 AM on Thursday, October 13, 2005, in Houston, Texas.**

On October 8, 2005, the Employer filed a Withdrawal of Appeal, stating that the Employer wished to reapply rather than pursue this appeal. The Employer's withdrawal of the appeal is **GRANTED**. The hearing scheduled herein for **10:00 AM on Thursday, October 13, 2005, in Houston, Texas** is hereby **CANCELLED**. It is hereby **ORDERED** that this matter be **DISMISSED**.

A

Russell D. Pulver
Administrative Law Judge