

**U.S. Department of Labor**

Office of Administrative Law Judges  
11870 Merchants Walk - Suite 204  
Newport News, VA 23606

(757) 591-5140  
(757) 591-5150 (FAX)



**Issue Date: 04 September 2007**

CASE NO: 2007TLC00016

In the matter of:

**NESTOR MORALES,**  
Employer

Appearances: Tito Eli Gonzalez, Agent  
For the Complainant

R. Peter Nessen, Esq.  
For the Respondent

Before: Daniel A. Sarno, Jr.  
Administrative Law Judge

**ORDER OF DISMISSAL**

This matter arises under the temporary alien agricultural labor certification provisions in Section 218 of the Immigration and Nationality Act (hereinafter the "Act"), as amended and codified at 8 U.S.C. § 1188 (2000), and its implementing regulations published at 20 C.F.R. 655, Subpart B (2007). On August 20, 2007, Nestor Morales (hereinafter "Complainant" or "Employer") requested an expedited *de novo* hearing before an administrative law judge of the Certifying Officer's decision not to accept Complainant's August 8, 2007 application for temporary alien agricultural labor certification. Thus, on August 30, 2007, a hearing on the matter was held in Tampa, Florida. At the hearing, Complainant's agent, Tito Gonzalez informed the Undersigned that Employer intended to file a new application for temporary alien agricultural labor certification and requested that Complainant's request for a *de novo* hearing be withdrawn. (TR 7.)

**ORDER**

Accordingly, IT IS ORDERED that Employer's motion to withdraw his request for a *de novo* hearing is **GRANTED** and the matter is marked **CLOSED**.

**SO ORDERED.**

**A**

Daniel A. Sarno, Jr.  
Administrative Law Judge

DAS/mam