



DATE ISSUED: December 7, 1999

CASE NO.: 1999-LCA-7

IN THE MATTER OF

**EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR**

Prosecuting Party

v.

ATLAS THERAPY, INC.

Respondent

**ORDER APPROVING WITHDRAWAL OF REQUEST
FOR HEARING AND CANCELLING HEARING**

This matter arises under the H-1B provisions of the Immigration and Nationality Act (hereinafter INA or the Act), 8 U.S.C. § 1101, et seq., and its implementing regulations at 29 C.F.R. Part 507, et seq., and, more specifically, 20 C.F.R. Part 655 relating to Labor Condition Applications for H-1B non-immigrants (herein LCA).

On September 14, 1999, Respondent filed a request for an administrative hearing, pursuant to 20 C.F.R. § 655.820, before the Office of Administrative Law Judges challenging the determination of the Administrator dated September 1, 1999 that Respondent failed to pay the required wage rate to 68 H-1B non-immigrants and failed to keep accurate records of the number of hours worked.

A formal hearing in this matter is presently scheduled for December 7, 1999, in Birmingham, Alabama.

On December 6, 1999, Counsel for Respondent filed a letter-motion to withdraw its request for an administrative hearing before an administrative law judge.

On December 6, 1999, the Office of the Regional Solicitor in Atlanta, Georgia, advised that in light of Respondent's withdrawal the Administrator's determination of September 1, 1999, has become a final and unappealable Order of the Secretary.

Accordingly, Respondent's request to withdraw is hereby approved. The formal hearing presently scheduled for December 7 1999, is hereby cancelled.

ORDERED this 7th day of December, 1999, at Metairie, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge