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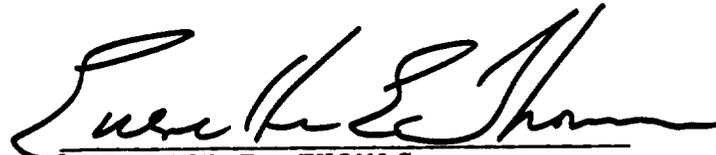
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: In the Matter of :
: : Case No. 81-WPA-3
: WESTWARD ORCHARDS, INC. :
:

ORDER OF DISMISSAL

On July 30, 1981 a Notice of Docketing and Prehearing Order was issued in the above-captioned matter. Pursuant to 20 C.F.R. §658.424(b) the Solicitor of Labor and all of the parties were afforded 20 days from the date of the order to submit legal arguments and supporting documentation.

On August 27, 1981 the Certifying Officer filed a Motion to Dismiss this case on the ground that the Regional Administrator has determined, after further review, that the variance requested by the employer, Westward Orchards should be granted. Therefore, the issue in this case is moot. (See attachment)

For the foregoing reason, it is hereby ORDERED that this case is DISMISSED.


EVERETTE E. THOMAS
Associate Chief Judge

Dated: 19 JAN 1982
Washington, D.C.

EET:jeh

SERVICE SHEET

Case No. 81-WPA-3

Case Name: Westward Orchards, Inc.

I certify that a copy of the foregoing ORDER OF DISMISSAL was sent to the following individuals on 19 JAN 1982.


Secretary

William Hermann, President
Westward Orchard
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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20036

In the Matter of)
) NO. 81-WPA-3
Westward Orchards)
)
)
_____)

MOTION TO DISMISS

The Regional Administrator by his attorney, moves that the Administrative Law Judge dismiss this action on the grounds that the issues raised are now moot.

The employer, Westward Orchards, brought this action, pursuant to 20 C.F.R. § 654.402, challenging a denial of a variance from the housing standards found at 20 C.F.R. § 654.400 et. seq. After further review, and based on the special circumstances involved, the Regional Administrator has determined that the requested variance should be granted. The instant case is therefore moot.

We have discussed this matter with counsel for Westward Orchards and he concurs in this Motion.

Respectfully submitted,

WILLIAM H. DUROSS, III
Associate Solicitor for
Employment and Training

JONTHAN H. WAXMAN
Counsel for Litigation

BY Harry L. Sheinfeld
HARRY L. SHEINFELD
Attorney

