



DATE: FEB 6 1990

IN THE MATTER OF

Oakley Brothers, Inc. and Florida Fruit
& Vegetable Association
Plaintiff

v.

U.S. Department of Labor
Defendant

CASE No.: 90-TLC-7

ORDER GRANTING MOTION TO DISMISS

This matter concerns a wage determination. The employer filed an appeal with this office on December 29, 1989, contesting the Regional Administrator's determination.

Subsequently, the employer filed a motion for dismissal of appeal on January 18, 1990. In addition to seeking the dismissal of this action, employer asked that the parties bear their own costs. In support for this motion, the employer asserted that the Department of Labor's counsel, both regionally and nationally, were made aware of this motion. No objection to this motion was received.

The motion to dismiss filed by Oakley Brothers, Inc. and Florida Fruit & Vegetable Association is **GRANTED** and the matter is **DISMISSED** with prejudice given the movant's status as petitioner in this action and the absence of any valid objection.

JOHN M. VITTONI
Deputy Chief Judge

JMV/DA/mb