



Issue Date: 25 February 2013

Case No.: 2007-LCA-00015

In the Matter of:

YURIY OSYKA,
Complainant/Prosecuting Party,

v.

INDUSTRIAL CONTROL SOLUTIONS, INC.,
Respondent.

ORDER OF DISMISSAL

This proceeding arises under the Immigration and Nationality Act of 1952, Pub. L. No. 82-414, 66 Stat. 163, as amended by the Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978, and the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. No. 102-232, 105 Stat. 1733, as amended at 8 U.S.C. § 1101, *et seq.* (“INA”). The relevant implementing regulations for the INA are found at 20 C.F.R. Part 655, Subparts H and I. This case involves a complaint filed by the Complainant/Prosecuting Party, Yuriy Osyka (“Complainant”), against the Respondent, Industrial Control Solutions, Inc. (“Respondent”), alleging violations of the INA and regulations. More specifically, Complainant alleges five violations of the INA pertaining to H-1B nonimmigrant workers, including a failure to pay H-1B employees the higher of the prevailing wage or actual wage.

On January 17, 2013, I issued an Order to Complainant to show cause why his complaint for H-1B violations under the INA, designated as Case No. 2007-LCA-15, should not be dismissed because the parties have been compelled to submit all claims to arbitration. Having received no response from the Complainant,

IT IS HEREBY ORDERED that this Complainant is **DISMISSED**.¹

LARRY S. MERCK
Administrative Law Judge

¹ On January 28, 2013, the Respondent filed a Motion for Summary Judgment. Because I have dismissed this Complaint, the Motion for Summary Judgment is moot.

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).