



Issue Date: 20 November 2012

Case No.: **2008-LCA-00041**

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

ASSOCIATED ELECTRICAL, INC.,
Respondent.

**DECISION AND ORDER DISMISSING RESPONDENT'S APPEAL DUE TO
ABANDONMENT, AND UPHOLDING THE JULY 16, 2008 FINDINGS OF THE
WAGE AND HOUR DIVISION**

This action arises under the Immigration and Nationality Act of 1952, P.L. 82-414, 66 Stat. 163, codified as amended at 8 U. S. C. § 1101, *et seq.* ("INA"), as amended by the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978, the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, P.L. 102-232, 105 Stat. 1733 and the American Competitiveness and Workforce Improvement Act of 1998 ("ACWIA"), P.L. 105-277, 112 Stat. 2861-641. Jurisdiction over the hearing in this matter is vested in the Office of Administrative Law Judges by INA § 212(n)(2), 20 C. F. R. §§ 655.820-840.

In July 2008, the Respondent was informed that

The specific violations and the remedy imposed for each violation are set forth on the enclosed Summary of Violations and Remedies. No civil money penalty is assessed as a result of the violations. Your firm owes back wages in the amount of \$324,481.38 to seven H-1B nonimmigrants. Your firm is liable for any ongoing violations.

This case was referred to the Office of Administrative Law Judges in July 2008. Since that time, the parties have attempted to settle the case.

However, it has become apparent that the Respondent has been unresponsive to attempted contacts by the prosecuting party and by the undersigned.

On August 22, 2012, the undersigned issued an **ORDER TO SHOW CAUSE WHY THE DETERMINATION OF THE WAGE AND HOUR DIVISION SHOULD NOT BE AFFIRMED.**

The Respondent was granted 15 days to respond. As of the date of this order there has been no response from the Respondent.

29 C.F.R. § 18.39 states that a request for a hearing may be dismissed upon its abandonment.

Therefore, the Respondent's appeal is dismissed as being abandoned. The finding by the Wage and Hour Division is affirmed.

RICHARD K. MALAMPHY
Administrative Law Judge

RKM/ccb
Newport News, Virginia

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* 20 C.F.R. § 655.840(a).