



Issue Date: 23 August 2011

Case No. 2010-LCA-18

In the Matter of:

EDWARD GLADSTONE ROSARIO PRAGASAM,

Prosecuting Party,

v.

WELLNESS HOME HEALTH CARE, INC.,

Respondent.

ORDER OF DISMISSAL

This proceeding arises under the H-1B provisions (20 C.F.R. Part 655) of the Immigration and Nationality Act of 1952, amended by the Immigration Act of 1990 and the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (hereinafter referred to collectively as the "INA"), 8 U.S.C. § 1182(n), and its implementing regulations, which are located at 29 C.F.R. § 507.700 *et seq.*

Pursuant to an Order of Continuance and Notice Rescheduling Hearing, a formal hearing in this matter was scheduled for July 26, 2011, in Detroit Michigan.¹ Neither the Prosecuting Party, nor any representative thereof, appeared at the scheduled hearing.

¹ On June 23, 2011, this Court issued the Order of Continuance and Notice Rescheduling Hearing (hereinafter "Order"). On June 23, 2011, my legal assistant sent a copy of the Order by FAX using the phone number provided by the Prosecuting Party. Additionally, on June 24, 2011, the United Parcel Service left an envelope containing a copy of the Order at the front door at the last known home address provided by the Prosecuting Party. Also, the United States Postal Service attempted delivery by certified mail of an envelope which contained a copy of the Order to the last known address provided by the Prosecuting Party. On July 7, 2011, the United States Postal Service returned the envelope with the Order with the following notation "Return to Sender, Not Deliverable as Addressed, Unable to Forward." Finally, my legal assistant called the residential telephone number provided by the Prosecuting Party on June 15, and 23, 2011, to attempt to verify his current address; however, the individual who answered the telephone informed her that the phone number did not belong to Mr. Pragasam.

An Order to Show Cause was issued on July 29, 2011,² granting the Prosecuting Party fifteen (15) days to show cause why this matter should not be dismissed for his failure to appear at the scheduled hearing. No response having been received from the Prosecuting Party,

IT IS HEREBY ORDERED that this claim is **DISMISSED**.

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LARRY S. MERCK
Administrative Law Judge

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).

² On July 29, 2011, my legal assistant sent a copy of the Order by FAX using the phone number provided by the Prosecuting Party. The computer-generated voice greeting from the FAX machine stated: “This number is not in use. Thank you for calling.” Also, the United States Postal Service attempted delivery by certified mail of an envelope which contained a copy of the Order To Show Cause to the last known address provided by the Prosecuting Party. On August 15, 2011, the United States Postal Service returned the envelope with the Order To Show Cause with the following notation “Return to Sender, Not Deliverable as Addressed, Unable to Forward.”

