U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 October 2011

CASE NO.: 2011-LCA-00006

In the Matter of:

ADMINISTRATOR, WAGE & HOUR DIVISION,
Prosecuting Party,

vs.

WILLIAM AGNEW, PAUL MIFSUD, and
AGNEW AND MIFSUD ARCHITECTS,
Respondents.

ORDER OF DISMISSAL BASED ON VOLUNTARY WITHDRAWAL

Prosecuting Party moves to withdraw the Letter of Determination issued to Respondents on November 19, 2010. I have already dismissed the individual respondents from this action. Prosecuting Party states that the remaining respondent, Agnew and Mifsud Architects, PA, obtained a Certificate of Dissolution from the State of New Mexico on December 14, 2010; that it ceased operations prior to that; and that it has no assets to pay the amounts assessed in the Letter of Determination.

Good cause appearing, the motion is GRANTED.[1] The Letter of Determination is deemed WITHDRAWN. This matter is DISMISSED.

SO ORDERED.

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STEVEN B. BERLIN
Administrative Law Judge

[1] As the applicable regulations provide, 20 C.F.R. §655.825(a), this Office's general procedural rules in 29 C.F.R. Part 18 apply to hearings in Labor Condition Application cases such as this. When otherwise silent, our general rules incorporate the Federal Rules of Civil Procedure. 29 C.F.R. §18.1(a). The Federal Rules allow a plaintiff to dismiss an action voluntarily after the defendant answers on such terms as the court considers proper. Fed.R.Civ.P. 41(a)(2). The Letter of Determination is the equivalent of a complaint. The withdrawal of the Letter is tantamount to a voluntary dismissal of the complaint. It is granted on that basis.