

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 September 2012

Case No.: 2012-LCA-00038

In the Matter of:

**ADMINISTRATOR,
WAGE AND HOUR DIVISION**
Prosecuting Party

v.

**ASTERIX CONSULTING, INC. and
JAGAN MOHAN RAM PASAPULA, President and Owner**
Respondents

DISMISSAL ORDER

This above-captioned matter arises under the Immigration and Nationality Act, as amended by the Immigration Act of 1990 and 1991, 8 U.S.C. §§ 1101(a)(15)(H)(i)(b), 1182(n) and 1184(c) (hereinafter "the Act"), and the regulations promulgated thereunder at 20 C.F.R. Part 655, Subparts H and I. It was scheduled to be heard on January 10, 2013, in New York, New York.

The United States Department of Labor ("DOL"), through its attorneys, filed a Motion to Dismiss Without Prejudice ("Motion to Dismiss") on grounds that the Administrator of its Wage and Hour Division wishes to withdraw her initial determination letter dated May 15, 2012: the Administrator now concludes that the civil money penalty assessment as outlined in that letter "should be revised upwards." The Motion to Dismiss further states that the Administrator will issue a "superseding determination letter that accurately sets forth the penalties and back wages owed in this matter" and the Respondents would "then be afforded an opportunity to respond to the Administrator's revised calculations and, if desired, again request a hearing on the merits." According to the Motion to Dismiss, it is unopposed by the Respondents.

Upon due consideration, the DOL Motion to Dismiss is GRANTED. The instant matter is dismissed without prejudice to re-filing. **The hearing date and all other deadlines outlined**

in the Notice Of Rescheduled Hearing And Order dated June 28, 2012 are canceled.

SO ORDERED.

LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey