



Issue Date: 04 June 2013

CASE NO.: 2012-LCA-00034

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION
U. S. DEPARTMENT OF LABOR, Minneapolis, MN
Prosecuting Party,**

v.

**IRMAC USA, INC.,
Respondent,**

and

**NETAJI E. GOUD,
Party-In-Interest.**

**ORDER GRANTING MOTION TO WITHDRAW HEARING REQUEST
AND AFFIRMING ADMINISTRATOR'S DETERMINATION**

This matter arises under the Immigration and Nationality Act ("Act") H-1B visa program.¹ On April 26, 2012, the Administrator, Wage and Hour Division, issued a Determination Letter in which Respondent, IRMAC USA, Inc., was ordered to pay back wages in the amount of \$16,052.10 to one H-1B nonimmigrant worker. No civil money penalties were assessed.

On May 16, 2012, Respondent requested a hearing pursuant to 20 C.F.R. § 655.820. By Order dated May 31, 2012, I set the matter for hearing, currently scheduled for September 10, 2013 in St. Paul, Minnesota.²

By letter dated May 29, 2013, Respondent, through its President, filed a *Motion to Withdraw Its Request for a Hearing*.³ Respondent acknowledges that it "understands that if it

¹ 8 U.S.C. §§ 1101(a)(15)(H)(i)(B) and 1182(n) and implementing regulations promulgated at 20 C.F.R. § 655.700 *et seq.*

² The Court previously granted continuances for hearings scheduled on 10 July 2012, 21 August 2012, 15 October 2012, 18 December 2012, 21 February 2013 and 11 June 2013.

³ 29 C.F.R. § 18.6(a).

withdraws its request for hearing, the findings in the Determination Letter will not be appealable.”⁴ The Administrator does not oppose the motion.

Accordingly, upon review of the entire record, and for good cause shown, Respondent’s motion is hereby GRANTED and this matter is DISMISSED with prejudice, with each party to bear its own fees and costs. The September 10, 2013 hearing is CANCELLED. The Administrator’s April 26, 2012 determination is now a final order of the Secretary of Labor.

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge

⁴ Under the governing regulation, in the absence of a timely request for a hearing, the determination of the Administrator shall become final and is not appealable. 20 C.F.R. § 655.815(c)(3).