



Issue Date: 18 July 2012

Case No. 2012-LCA-6

In the Matter of:

**ADMINISTRATOR,
WAGE & HOUR DIVISION,**
Complainant,

v.

WORLDWIDE SOFTWARE SERVICES, INC.,
Respondent.

**DECISION AND ORDER APPROVING THE COMPLAINANT'S REQUEST FOR
WITHDRAWAL, DISMISSING THE CLAIM WITH PREJUDICE AND
CANCELLING THE HEARING**

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.* On October 20, 2011, Respondent, through counsel, requested review of the Secretary's Findings issued by the Department of Labor and requested a hearing. On May 2, 2012, a notice of hearing was issued by the undersigned setting this matter for hearing on August 28-29, 2012, in Davenport, Iowa.

On July 11, 2012, Respondent submitted a motion to withdraw his request for hearing. Specifically, the Respondent stated that it now "agrees that the determination letter dated October 7, 2011[,] shall become the final order of the [A]dministrator." The Administrator has been contacted and voices no objection to the request. Being duly advised, I find that Respondent's request should be granted.

IT IS THEREFORE ORDERED:

1. The Respondent's request to withdraw his request for hearing is **GRANTED**.
2. The Administrator's determination in this matter issued on October 7, 2011, is the final decision of the Secretary of Labor, effective as of the date of this Decision and Order.
3. This claim is **DISMISSED** with prejudice, with each party to bear its own attorney fees and costs.

4. The hearing in this matter scheduled for August 28-29, 2012, is **CANCELLED**.

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JOHN P. SELLERS III
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* 20 C.F.R. § 655.840(a).