



Issue Date: 08 August 2013

OALJ Case No.: 2013-LCA-00034
WHD Reference No.: 1563610

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,

Prosecuting Party

v.

BROADGATE INC.,

Respondent.

ORDER OF DISMISSAL

On July 12, 2013, the Wage and Hour Division (WHD) District Office in Detroit issued a determination letter under the H-1B Specialty Occupation regulations at 20 C.F.R. Part 655 finding that the Respondent, Broadgate Inc., owes back wages to one H-1B nonimmigrant worker in the amount of \$4,521.41. No civil money penalties were imposed. The determination letter informed the Respondent that it could remit payment to the WHD office, and that the Respondent was responsible for withholding legally required deductions. The determination letter also provided instructions on how to request a hearing on the determination before the Office of Administrative Law Judges (OALJ).

On July 31, 2013, OALJ received a letter from the Respondent tendering a check apparently for the purpose of satisfying the back wage liability imposed by the WHD determination letter. The check was in the amount of \$3,022.48, which was stated to be the amount owed after required withholdings. There was no indication on the letter that a copy was provided to the Detroit WHD office. Although addressed to the Chief Administrative Law Judge, the Respondent's letter also did not mention a request for a hearing.

In view of the Respondent's pro se status, OALJ treated the Respondent's letter as a hearing request under 20 C.F.R. § 655.820, but then emailed a copy of the letter and the check to the Office of the Solicitor, Division of Fair Labor Standards, and to the WHD District Director in Detroit, with a request that OALJ be informed whether the Respondent's tender of payment was

satisfactory to resolve the matter. It was noted that if the District Director indicated that the tender was satisfactory, the ALJ proceeding would be dismissed and the check would be forwarded to the District Director for appropriate processing.

On August 7, 2013, the District Director notified OALJ by email that the Respondent's tender was satisfactory.

Accordingly, OALJ Case Number 2013-LCA-00034 is **DISMISSED**. The Respondent's original check will be mailed to the Detroit District Director for appropriate disposition.

SO ORDERED.

STEPHEN L. PURCELL
Chief 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).