



**Issue Date: 30 July 2015**

**CASE NO. : 2015-LCA-00018**

*In the Matter of*

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

*v.*

**AUTOBUSES EJECUTIVOS, LLC**  
*d/b/a OMNIBUS EXPRESS,*  
*Respondent.*

**ORDER GRANTING RESPONDENT’S UNOPPOSED MOTION TO WITHDRAW  
RESPONDENT’S REQUEST FOR HEARING AND DISMISSING CASE**

This case arises under the Immigration and Nationality Act of 1952 (INA), 8 U.S.C. §§ 1101(a)(15)(H)(1)(b) and §1182(n), and the implementing regulations at 20 C.F.R. Part 655, Subparts H and I, §§ 655.700 to 655.855.

On July 20, 2015, Respondent, Autobuses Ejecutivos, LLC, d/b/a/ Omnibus Express (“Omnibus”), filed an Unopposed Motion to Withdraw Respondent’s Request for Hearing. Respondent seeks to withdraw its May 15, 2015 Request for Hearing, and it moves the Court to dismiss this action as moot. In support of its unopposed motion, Respondent shows the following:

1. Beginning October 3, 2011, Respondent employed Mrs. Mireya Arrendondo as an H-1B employee under Labor Condition Application (“LCA”) No. 1-200-11138-630420, covered by the provisions of the Immigration and Naturalization Act (“INA”), as amended, under 8 U.S.C. § 1182(n) and its corresponding regulation requirements at 20 C.F.R. § 655.700 et seq.
2. The U.S. Department of Labor, Wage and Hour Division (“WH”) conducted an investigation of Omnibus upon allegations of H-1B violations. The investigation period was from January 29, 2012 to January 28, 2014.

3. On February 27, 2015, WH issued a Determination Letter to Omnibus alleging violations of the H-1B provisions of the INA and the implementing regulations.
4. On March 13, 2015, WH rescinded the February 27, 2015 Determination Letter.
5. On April 30, 2015, WH issued an amended Determination Letter to Omnibus alleging violations of the H-1B provisions of the INA and the implementing regulations.
6. On May 15, 2015, Omnibus filed a timely request for hearing with respect to the allegations of violations set forth in the April 30, 2015 amended Determination Letter.
7. On May 21, 2015, after the filing but prior to its receipt of Omnibus' timely request for hearing, WH rescinded the April 30, 2015 amended Determination Letter and issued a subsequent amended Determination Letter ("Final Determination Letter") alleging violations of the H-1B provisions of the INA and the implementing regulations. Omnibus did not file a request for hearing with respect to this subsequent Final Determination Letter.
8. On June 4, 2015, this Court conducted a telephonic prehearing conference with Counsel for the Administrator and Counsel for Omnibus. During this conference, Counsel for the Administrator advised the Court that the Administrator had rescinded the April 30, 2015 Determination Letter that had formed the basis of Omnibus's appeal, and Counsel for Omnibus further advised all participants that Omnibus had accepted the Administrator's determinations and remedies detailed in the subsequent May 21, 2015 Final Determination Letter.
9. At the direction of the Court, on June 4, 2015, Counsel for the Administrator drafted and mailed a letter to the Court and to Counsel for Omnibus memorializing Omnibus' acceptance of the determinations and remedies detailed in the May 21, 2015 Final Determination Letter and stating that a hearing in this matter would not be necessary.
10. On July 14, 2015, the parties conducted an additional telephonic conference with the Court Clerk, who directed Counsel for Omnibus to file the instant motion in order to have the case dismissed from the Court's docket.
11. Accordingly, Respondent formally filed the instant motion. The Administrator is unopposed to Respondent's motion.

Accordingly,

Respondent's Unopposed Motion to Withdraw Respondent's Request for Hearing is hereby **GRANTED**. Pursuant to 20 C.F.R. § 655.815(c)(3), the Administrator's Determination, dated May 21, 2015, is now a final order of the Secretary of Labor.

So **ORDERED** this 30<sup>th</sup> day of July, 2015 in Covington, Louisiana.

**CLEMENT J. KENNINGTON  
ADMINISTRATIVE LAW JUDGE**