



**Issue Date: 29 August 2018**

**CASE NO.: 2018-LCA-13**

**IN THE MATTER OF  
ADMINISTRATOR, WAGE AND HOUR DIVISION**

**Prosecuting Party**

**v.**

**GURIAN, PLLC**

**Respondent**

**DECISION AND ORDER APPROVING  
MOTION TO WITHDRAW REQUEST FOR FORMAL HEARING**

This matter arises under the H-1B provisions of the Immigration and Nationality Act (hereinafter INA or the Act), 8 U.S.C. § 1101, et seq., and its implementing regulations at 29 C.F.R. Part 507, et seq., and, more specifically, 20 C.F.R. Part 655 relating to Labor Condition Applications for H-1B non-immigrants (herein LCA).

On or about March 12, 2018, Respondent filed a request for an administrative hearing, pursuant to 20 C.F.R. § 655.820, before the Office of Administrative Law Judges challenging the determination of the Administrator dated March 7, 2018, that Respondent failed to pay wages as required in violation of 20 C.F.R. § 655.731 and 8 U.S.C. § 1182(n)(2)(C)(vi) and the imposition of a civil money penalty.

On August 9, 2018, Respondent Gurian, PLLC, filed a Withdrawal of its Request for Hearing in the instant matter. Respondent further indicated it mailed a check in the amount of \$6,008.21 to the Administrator. This matter is currently scheduled for hearing on September 20, 2018, in Dallas, Texas.

On August 17, 2018, an Order issued to the Administrator, Wage and Hour Division to show cause, if any there be, no later than August 31, 2018, why Respondent's "Motion" to Withdraw its Hearing Request should not be granted and this matter be dismissed without prejudice.

On August 27, 2018, Counsel for the Administrator filed a response to the Show Cause Order stating that the Administrator does not oppose Respondent's Motion to Withdraw.

Accordingly,

**IT IS HEREBY ORDERED** that:

1. The Respondent's Motion to Withdraw Request for Formal Hearing is hereby **APPROVED**;

2. This Order shall have the same force and effect as an Order made after full hearing;

3. The entire record upon which this Order is based shall consist solely of the Administrator's Determination Letter and the Respondent's Motion to Withdraw;

4. Any further procedural steps before this office are waived; and

5. The hearing scheduled on September 20, 2018, is cancelled.

**IT IS FURTHER ORDERED** that this matter is hereby dismissed with prejudice.

**ORDERED** this 29<sup>th</sup> day of August, 2018, at Covington, Louisiana.

LEE J. ROMERO, JR.  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** Any interested party desiring review of this Decision and Order may file a petition for review with the Administrative Review Board (Board) pursuant to 20 C.F.R. § 655.845.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov)

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition only one copy need be uploaded.

If no petition for review is filed, this Decision and Order becomes the final order of the Secretary of Labor. See 20 C.F.R. § 655.840(a). If a petition for review is timely filed, this Decision and Order shall be inoperative unless and until the Board issues an order affirming it, or, unless and until 30 calendar days have passed after the Board's receipt of the petition and the Board has not issued notice to the parties that it will review this Decision and Order.