UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 23 January 2020

CASE NO.: 2020-LCA-00003

In the Matter of:

SANDEEP BAGRI,
Prosecuting Party,

v.

ERECTION & WELDING CONTRACTORS, LLC,
Employer/Respondent.

DECISION & ORDER DISMISSING CASE

This matter arises under the H-1B provisions of the Immigration and Nationality Act ("INA" or "the Act"), 8 U.S.C. § 1182(n), and the implementing regulations set forth at 20 C.F.R. Part 655.

On April 11, 2019, Sandeep Bagri filed a Complaint against Erection Welding Contractors, LLC ("Employer"), on Form WH-4 ("Nonimmigrant Worker Information Form"). On November 19, 2019, the Wage and Hour Division ("Division") of the U.S. Department of Labor issued an Administrator's Determination, finding that Employer failed to pay required wages, in violation of the H-1B provisions of the INA, 8 U.S.C. § 1182(n). It assessed back wages in the amount of $27,291.79, and notes that Employer has "paid the back wage assessment in full."

In an undated and unsigned letter, it appears that Mr. Bagri wrote to the Wage & Hour Division, alleging "ongoing immigration fraud in which my employer is paying me less than prevailing wages and National Discrimination …." The letter makes no reference to the Division's investigation or Determination Letter, and does not request a review of any action by the Division.

Because it was unclear if this letter was intended to be a request for hearing, I called a telephone conference to clarify the matter. During the conference, Mr. Bagri represented himself, Employer was represented by Dana R. Bucin, Esq., and the Division was represented by Mark Pedulla, Esq. Mr. Dale Applegreen, Managing Member of Employer, was also on the call.

During the call, I was unable to nail down whether the undated letter was written after the Determination Letter, and therefore could possibly be considered to be a request for hearing, or whether was written on July 4, 2019 (during the investigation). Mr. Bagri did not have access to

his documents, and was unable to clarify this point. However, Mr. Bagri stated that he did not file a request for hearing. Moreover, I am satisfied that Mr. Bagri was served with the Determination Letter, based upon representations made by email by counsel for the Solicitor.

Even making allowances for Mr. Bagri's status as an unrepresented litigant, I conclude that even if the undated letter was sent chronologically after the Determination Letter, it is not intended to be, and is not, a request for hearing. Since there is no request for hearing, the matter must be dismissed. *See* 20 C.F.R. 655.820(a).

Accordingly, IT IS HEREBY ORDERED that:

This matter is **DISMISSED** for lack of a request for hearing.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts