U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 August 2012

In the Matter of:
ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,
Complainant

v. **2012 PED 00003**

SCHIPPERS GRINDING AND HARVESTING.
Respondent

ORDER OF DISMISSAL

This case was brought as a debarment proceeding under 20 C.F.R. § 655.820 et seq., as amended by the interim final regulations published by the Department of Labor on December 20, 2000, 65 Fed. Reg. 80110 et seq. (2000) to implement the H-2B provisions of the Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(B) and 1182(n), and in accordance with 29 C.F.R. Part 18 of the Rules of Practice and Procedure of the Office of Administrative Law Judges.

On July 12, 2012, pursuant to 20 CFR § 655.182, the Department of Labor (Department) issued a Notice of Debarment, informing the Respondent, Schippers Grinding & Harvesting, of the Administrator's intention to debar the employer from the H-2A labor certification program. The Notice of Debarment was based on the employer's failure to pay the required labor certification fee in a timely manner.

On July 23, 2012, the Respondent replied to the Department's Notice of Debarment and provided rebuttal evidence which included payment. After considering the rebuttal evidence, the Department has decided to rescind the employer's debarment.

On August 10, 2012, I was advised by the Associate Solicitor for Employment and Training that the Complainant withdraws the request for hearing and requests dismissal.

ORDER

This action is **DISMISSED WITH PREJUDICE**; and each party shall bear his or its own costs, expenses, and attorney fees incurred in connection with this action.

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DANIEL F. SOLOMON
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* 29 C.F.R. § 655.840(a).