

U.S. Department of Labor

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Issue Date: 22 October 2012

Case No.: 2012-PED-00004
ETA Case No.: C-12061-33299

In the Matter of:

ADMINISTRATOR,
OFFICE OF FOREIGN LABOR CERTIFICATION,
EMPLOYMENT AND TRAINING ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,
Prosecuting Party,

v.

VAN ERKEL FARMS,
Employer.

ORDER OF DISMISSAL

By Order dated August 6, 2012, I directed the Administrator to inform me whether he accepted Employer's representation that Employer paid the processing fee demanded in OFLC's letter of May 26, 2012, and whether the Administrator intended to proceed. After receiving no response to that Order, I issued an Order on October 15, 2012, for the Administrator to show cause why default judgment should not be entered in favor of Employer. In response, the Administrator submitted a copy of a letter dated August 8, 2012 to Employer, informing Employer that he was rescinding the debarment related to failure to pay the processing fee. Consequently, the Administrator requested that this matter be dismissed as moot. Because the Administrator has not represented that he agreed that Employer's payment was timely, the matter is not moot. However, I construe the Administrator's response to mean that he does not intend to go forward with Employer's debarment. Thus, there is no issue remaining to be resolved at a hearing. Accordingly, IT IS ORDERED that the above-captioned matter be, and the same hereby is, DISMISSED.

SO ORDERED.

PAUL C. JOHNSON, JR.
Associate Chief Administrative Law Judge