

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 23 March 2015**

**CASE NO.: 2014-PED-00005**

**In the Matter of:**

**ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION,  
EMPLOYMENT AND TRAINING ADMINISTRATION,  
U.S. DEPARTMENT OF LABOR,  
Complainant,**

**v.**

**MONTANA TREES, INC.,  
Respondent.**

**ORDER OF DISMISSAL**

The instant case involves the appeal of a Notice of Debarment issued on May 9, 2014 against Respondent Montana Trees, Inc., an H-2A employer, by the Administrator, Office of Foreign Labor Certification, ETA. *See* 20 C.F.R. §655.182. A Notice of Assignment and Order was issued on June 26, 2014.

On February 10, 2015 the parties filed a Joint Request for Dismissal. In support, the parties stated that they executed a Settlement Agreement on January 27, 2015, pursuant to which they agreed to dismissal of the instant case with prejudice.

There is no requirement that settlements relating to debarment proceedings under the H-2A program be submitted to administrative law judges for approval. *See* generally 20 C.F.R. §655.182. *Compare Hoffman v. Fuel Economy Contracting*, 1987-ERA-33 (Sec'y Aug. 4, 1989) (Order) (requiring that settlements in whistleblower cases brought under the Energy Reorganization Act be reviewed to determine whether they are fair, adequate and reasonable) with *Indiana Dept. of Workforce Development v. U.S. Dept. of Labor*, 1997-JTP-15 (Admin. Review Bd. Dec. 8, 1998) (holding ALJ has no authority to require submission of settlement agreement in Job Training Partnership case when parties have stipulated to dismissal under Rule 41(a)(1)(A)(ii), FRCP, and contrasting ERA cases.) Accordingly, the joint request for dismissal will be approved, even though the settlement has not been submitted.

**ORDER**

**IT IS HEREBY ORDERED** that the instant case be, and hereby is, **DISMISSED WITH PREJUDICE**.

PAMELA J. LAKES  
Administrative Law Judge

Washington, D.C.