

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 28 February 2017**

Case No.: 2017-PED-00006

ETA Case No.: H-300-15068-546751

*In the Matter of:*

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

v.

AAA FARIA, LLC,  
*Employer.*

**ORDER GRANTING UNOPPOSED MOTION TO DISMISS**

This case arises from a request for review of a Final Determination issued by the Administrator of the Office of Foreign Labor Certification against Employer Castro Harvesting, advising Employer that the Administrator had determined that it should be debarred from participating in the H-2A temporary labor certification program. By letter dated December 14, 2016, Employer requested a hearing in accordance with 20 C.F.R. § 655.182(f)(3), and by Notice dated January 24, 2017, the hearing was scheduled for April 13, 2017 in Tallahassee, Florida.

On February 23, 2017, the Administrator filed an Unopposed Motion to Dismiss on the grounds that rather than elect between submitting rebuttal evidence to the Administrator or requesting a hearing, Employer did both. The Administrator considered the rebuttal evidence and on January 30, 2017 issued a Final Determination reversing its decision to debar Employer from participating in the H-2A nonimmigrant worker program. As a result, there is nothing left to adjudicate at a hearing. The Administrator advised that Employer had no objection to the motion to dismiss. Accordingly, the motion will be granted.

**ORDER**

Good cause appearing, IT IS ORDERED:

1. The Administrator's motion to dismiss is GRANTED;
2. Case No. 2017-PED-006 is DISMISSED; and
3. The hearing scheduled for April 13, 2017 is CANCELED.

**SO ORDERED.**

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

PCJ, Jr./ksw  
Newport News, Virginia