

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 20 July 2017

OALJ Case No.: 2017-PED-00007
ETA Case No.: H-300-16327-637970

In the Matter of

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

v.

GERLACH FARMING,
Respondent.

ORDER OF DISMISSAL

On June 12, 2017, the Administrator, Office of Foreign Labor Certification, Employment and Training Administration (“ETA” or “Complainant”) issued a Notice of Debarment¹ against Gerlach Farming (“Respondent”), an H-2A employer, due to Respondent’s failure to timely pay a required certification fee. *See* 20 C.F.R. § 655.182. Respondent thereafter paid the fee and requested an appeal before the Office of Administrative Law Judges (“OALJ”).

In the course of assembling the appeal file, OALJ staff requested from ETA a copy of the actual Notice of Debarment. On July 14, 2017, ETA responded by email: “[o]ur records indicate that the employer was not actually debarred.” At my direction, a member of my staff then contacted the agent for Respondent who, after being informed that Respondent is not debarred, withdrew its appeal.

Accordingly, it is hereby **ORDERED** that this matter is **DISMISSED**.

SO ORDERED.

STEPHEN R. HENLEY
Chief Administrative Law Judge

¹ As explained *infra*, this document did not actually debar Respondent from the H-2A program.