

U.S. Department of Labor

Office of Administrative Law Judges
50 Fremont Street - Suite 2100
San Francisco, CA 94105

(415) 744-6577
(415) 744-6569 (FAX)



Issue Date: 30 July 2004

CASE NO.: 2004-TLC-00010
ETA Case No.: R6-04083-23629

In the Matter of:

KONA COFFEE CONNECTION, HAWAII
Employer,

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and its implementing regulations, found at 20 C.F.R. Part 655. An appeal of the Region VI Regional Administrator's denial of the H-2A application filed by Kona Coffee Connection, Hawaii. ("Employer") was received by this Office and assigned to me on July 16, 2004. A telephone conference with the parties went forward on July 20, 2004 wherein the parties stipulated to waive the expedited hearing and decision requirements to allow settlement discussions to go forward including Employer's proof of workers compensation insurance coverage to the Solicitor's Office. A second telephone conference took place on July 27, 2004 wherein it was stipulated by the parties that one more day was necessary to resolve this case. By telephone message to this office left by Peter Nessum of the Solicitor's Office on July 28, 2004, he confirmed that the parties in this case had settled their dispute and Employer's corresponding appeal filed with this office could be dismissed as labor certification was issued in Kona Coffee Connection's favor. Accordingly, it is **HEREBY ORDERED** that the request to dismiss the appeal is **GRANTED** and this matter is marked **CLOSED**.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California

GME/dmr