

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 18 August 2009**

**OALJ Case No.: 2009-TLC-00053**  
**ETA Case No.: C-09090-19189**

*In the Matter of*

**TOPGREEN FARMLAND, INC.,**  
*Employer*

Certifying Officer: Robert E. Myers  
Chicago Processing Center

**ORDER OF DISMISSAL**

On June 1, 2009, Topgreen Farmland, Inc., (“the Employer”) filed a request for a de novo hearing in the above-captioned temporary alien labor certification matter. *See* 20 C.F.R. § 655.115(b) (2009). The Employer’s filing included a request for a stay in these proceedings, which I granted in a June 4, 2009, order. The order directed the parties to confer after the Certifying Officer (“the CO”) submitted the Administrative File and the State Workforce Agency issued its second housing inspection report. After conferring, the parties were to contact my staff to either schedule the hearing or request the appeal’s dismissal.

On June 4, 2009, the CO submitted the Administrative File. Having heard nothing further from the parties, my law clerk contacted the Employer’s counsel to determine whether his client intended to proceed with its appeal. During the July 15, 2009, telephone call, counsel stated that he had not spoken with his client for weeks and was himself awaiting an update on the status. Counsel agreed to contact his client and to inform my law clerk of the Employer’s intentions. On August 6, 2009, I issued an *Order to Show Cause* that required the Employer to explain why the appeal should not be dismissed as abandoned under 29 C.F.R. § 18.39(b). On August 17, 2009, the Employer filed a response communicating its intent to withdraw its pending labor certification application.

The foregoing obviates the need for further proceedings before this office. Accordingly, it is hereby **ORDERED** that this matter is **DISMISSED**.

**A**

**JOHN M. VITTON**  
Chief Administrative Law Judge