

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 22 April 2015**

Case No.: 2015-TLC-00010  
ETA Case No.: H-300-14324-462514

***In the Matter of:***

**PAUL KUMMER**

*Employer.*

Before: DREW A. SWANK  
Administrative Law Judge

**ORDER REMANDING CASE AND CANCELLING HEARING**

The above-captioned case is scheduled for hearing on April 24, 2015, via telephone conference call. On April 17, 2015, Assistant Counsel for Litigation filed a Motion to Dismiss. In his motion, the Certifying Officer respectfully requests that this matter be dismissed as moot. On April 21, 2015, Respondent filed a Notice of Non-Opposition and Change of Address in which he advises that he does not oppose dismissal.

Pursuant to 20 C.F.R. §655.171(b)(2), an administrative law judge must take one of the following actions in deciding a TLC case in which an employer has requested a *de novo* hearing:

- (1) affirm the Certifying Officer's decision
- (2) reverse the Certifying Officer's decision
- (3) modify the Certifying Officer's decision, or
- (4) remand to the Certifying Officer for further action.

Accordingly, based on the foregoing, this matter is remanded to the Certifying Officer with instructions to dismiss the case and close the file. The hearing scheduled for April 24, 2015, via telephone conference call, is hereby cancelled.

DREW A. SWANK  
Administrative Law Judge