

**U.S. Department of Labor**

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**Issue Date: 27 May 2015**

**OALJ Case No.: 2015-TLN-00049**  
**ETA Case No.: H-400-15061-667212**

*In the Matter of*  
**JANINE FRYER DBA GARDENS BY JANINE**  
*Employer.*

**ORDER OF DISMISSAL**

This case arises from a request for appeal of a United States Department of Labor Certifying Officer's ("CO") denial of an application for temporary alien labor certification under the H-2B non-immigrant program. Following the CO's denial of an application, an employer may request administrative review by the Board of Alien Certification Appeals ("the Board" or "BALCA").

On May 4, 2015, Janine Fryer DBA Gardens by Janine ("the Employer") filed a request for an administrative review of the denial of certification in the above-captioned matter. On May 20, 2015, the Employer filed a notice that the Employer wishes to withdraw its request for appeal. In light of the foregoing, it is hereby **ORDERED** that this matter is **DISMISSED**.

**LARRY S. MERCK**  
Administrative Law Judge