

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 25 January 2013

CASE NO.: 2012-TNE-00012

---

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR DIVISION,**

**U.S. DEPARTMENT OF LABOR,**

*Prosecuting Party,*

*and*

**JUAN DOE,**

*Intervener,*

*v.*

**CRYSTAL ROCK AMUSEMENTS, INC., d/b/a**

**CASTLE ROCK SHOWS**

*Respondent.*

---

Before: Jonathan C. Calianos, Administrative Law Judge

Appearances:

James L. Polianites, Jr., Esquire, (U.S. Department of Labor, Office of the Solicitor)  
Boston, Massachusetts, for Prosecuting Party

Paul F. Cavanaugh, Esquire, (Daly Cavanaugh LLP) Wellesley, Massachusetts, for Respondent

Arthur N. Reed, Esquire, (Friends of Farmworkers, Inc.) Philadelphia, Pennsylvania, for Juan  
Doe

**DECISION AND ORDER APPROVING WITHDRAWAL OF APPEAL**

This matter arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart A (2012) and 29 C.F.R. Part

503 (2012). The formal hearing was scheduled for January 16, 2013, in Boston Massachusetts. During a telephonic conference with all parties prior to the scheduled hearing, the Respondent, through counsel, indicated that it wished to voluntarily withdraw its request for hearing. During the conference, all parties indicated their assent to the request, and on January 18, 2013, the Respondent filed a formal motion seeking the withdrawal.

Upon consideration of the matter, I find that the Respondent's request to withdraw is voluntary. Accordingly, the Motion is APPROVED and the request for hearing is WITHDRAWN. The voluntary withdrawal renders the Administrator's determination of April 24, 2012 against Crystal Rock Amusements, Inc., d/b/a Castle Rock Shows, the final order of the Secretary of Labor, which is not appealable.

**SO ORDERED.**

**JONATHAN C. CALIANOS**  
Administrative Law Judge

Boston, Massachusetts