

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 31 January 2014

CASE NO.: 2013-TNE-00019

IN THE MATTER OF

**WAGE AND HOUR DIVISION
Complainant**

v.

**VIET'S SEAFOOD INC.,
Respondent**

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 20 C.F.R. Part 503 (2012).

On January 27, 2014, this Court was notified the Respondent did not intend to file a hearing request. Respondent is complying with the back wage and civil money penalty payment plan it agreed to with the Wage and Hour New Orleans Division. Thus, the parties request withdrawal of the request for a hearing.

Upon consideration of the matter, I find that the Respondent's request to withdraw is voluntary. Accordingly, the request for hearing is **WITHDRAWN**. The voluntary withdrawal renders the Administrator's determination of regarding Viet's Seafood, Inc. the final order of the Secretary of Labor, which is not appealable.

So ORDERED.

LARRY W. PRICE
ADMINISTRATIVE LAW JUDGE