

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 28 March 2013

CASE NO.: 2013-TNE-00002

IN THE MATTER OF

**ADMINISTRATOR, WAGE AND HOUR DIVISION, U.S. DEPARTMENT OF LABOR,
Prosecuting Party**

v.

**ANGELO'S LAWN-SCAPE OF LOUISIANA, 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 March 1, 2013, this Court was notified the parties would consider the Final Order issued by the Wage and Hour Division a resolution of back wages and penalties in the matter. Thus, the parties withdrew 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 Accordingly, the request for hearing is **WITHDRAWN**.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 January 14, 2013 regarding Angelo's Lawn-Scape of Louisiana, Inc. the final order of the Secretary of Labor, which is not appealable.

So ORDERED.

**LARRY W. PRICE
Administrative Law Judge**

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.76(a). The Board’s address is:

Administrative Review Board
U.S. Department of Labor
Room S-5220
200 Constitution Ave, NW
Washington, D.C. 20210

At the time you file the Petition with the Board, you must serve it on all parties to the case as well as the administrative law judge. 20 C.F.R. § 655.76(a).

No particular form is prescribed for the Petition, however, any such petition shall:

- (1) Be dated;
- (2) Be typewritten or legibly written;
- (3) Specify the issue or issues stated in the administrative law judge decision and order giving rise to such petition;
- (4) State the specific reason or reasons why the party petitioning for review believes such decision and order are in error;
- (5) Be signed by the party filing the petition or by an authorized representative of such party;
- (6) Include the address at which such party or authorized representative desires to receive further communications relating thereto; and
- (7) Attach copies of the administrative law judge's decision and order, and any other record documents which would assist the Board in determining whether review is warranted.

20 C.F.R. § 655.76(b). If the Board determines that it will review the ALJ's decision and order, it will issue a notice specifying (1) The issue or issues to be reviewed; (2) The form in which submissions shall be made by the parties (e.g., briefs); and (3) The time within which such submissions shall be made. When filing any document with the Board, the party must file an original and two copies of the document. 20 C.F.R. § 655.76(e).