

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 21 October 2014**

Case No.: 2014-TNE-00017

In the Matter of

**ADMINISTRATOR, WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR**

Prosecuting Party

v.

**DRENNEN FORESTRY SERVICES, INC.**

Respondent

**DECISION AND DISMISSAL ORDER**

The above-captioned matter arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act ("INA"), 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.

The Administrator, Wage and Hour Division ("Administrator") of the Department of Labor ("DOL"), issued a determination to Drennen Forestry Services, Inc. ("Respondent") via letter dated July 11, 2014, stating that Respondent was found to be in violation of the H-2B provisions of the INA (regarding an Application for Temporary Employment Certification) by placing workers outside the area of intended employment.

By letter dated July 21, 2014, Respondent timely requested a hearing before the DOL Office of Administrative Law Judges ("OALJ"), stating that DOL had failed to provide it with adequate notice and opportunity to respond to the alleged violation. Specifically, Respondent asserts that DOL asked for records in "late February 2010," and then "over 4 years and 4 months later," DOL issued this determination without any other contact with Respondent in the interim.

Upon referral of this matter to the OALJ, it was assigned to me on or about August 22, 2014. On September 8, 2014, I issued a notice of hearing and pre-hearing order, scheduling a hearing for March 18, 2015 and a pre-hearing conference for March 4, 2015.

By fax received on October 16, 2014, counsel for the Administrator submitted "Complainant's Unopposed Motion To Withdraw Citations" ("Administrator's Motion"), in

which the Administrator seeks, with the consent of the Respondent, to “withdraw all citations in this matter.”<sup>1</sup>

Upon due consideration, I construe the Administrator’s Motion as a withdrawal of the determination outlined in the Administrator’s letter to Respondent dated July 11, 2014. Accordingly, the Administrator’s Motion is GRANTED and this matter is DISMISSED without prejudice. The pre-hearing conference and hearing are CANCELED.

IT IS SO ORDERED.

**LYSTRA A. HARRIS**  
Administrative Law Judge

Cherry Hill, New Jersey

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<sup>1</sup> Counsel erroneously designates the Administrator, Wage and Hour Division as “Complainant” when the case-caption consistently used by the OALJ designates the Administrator as the “Prosecuting Party.” *See* 20 C.F.R. § 655.71(a)