



Issue Date: 29 September 2014

Case No. 2014-TNE-4

In the Matter of:
ADMINISTRATOR, WAGE & HOUR DIVISION,
Prosecuting Party,

v.

MAINSCAPE, INC.,
d/b/a **MAINSCAPE LANDSCAPING,**
Respondent.

**ORDER GRANTING WITHDRAWAL OF DETERMINATION
AND STIPULATION OF DISMISSAL**

This proceeding arises under the Temporary Nonagricultural Alien Employment (TNE) H-2B provisions of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1101(a)(15)(H)(ii)(b), and its implementing regulations, which are located at 20 C.F.R. Part 655, Subpart A. On September 23, 2014, the Administrator, Wage and Hour Division, U.S. Department of Labor (“DOL”), submitted its Withdrawal of Determination and Stipulation of Dismissal. The DOL stated that it had agreed to withdraw the Administrator’s determination in this matter, dated December 19, 2013, reference number 1686115 (the “Determination”), against Respondent, Mainscape Landscaping, Inc. (“Mainscape”). The DOL further requested that the undersigned enter an order acknowledging the withdrawal and requiring that it expunge the Determination from its records. In light of the DOL’s withdrawal of its Determination, both DOL and Mainscape stipulated and agreed to dismissal of this administrative matter with prejudice, with each party to bear their own costs and attorneys’ fees.

Accordingly, this Withdrawal of Determination is **GRANTED** and this matter is **DISMISSED** with prejudice, with each party to bear their own costs, expenses, and attorneys’ fees. Furthermore, the DOL is **ORDERED** to expunge from its records the Administrator’s Determination, reference number 1686115. This Dismissal constitutes the final agency action on this matter. The hearing in this matter is **CANCELLED**.

JOHN P. SELLERS, III
Administrative Law Judge