



Issue Date: 25 June 2015

CASE NO.: 2015-TNE-00008

IN THE MATTER OF

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

v.

**AUTOBUSES EJECUTIVOS LLC.,
DBA OMNIBUS EXPRESS
Respondent**

ORDER OF DISMISSAL

The above-captioned 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)(1)(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 Autobuses Ejecutivos, LLC, d/b/a/ Omnibus Express ("Respondent") via letter, stating that Respondent was found to be in violation of certain H-2B provisions of the INA (regarding an Application for Temporary Employment Certification) by failing to pay the offered wage rate which equals or exceeds the highest of the prevailing wage, Federal, State or local minimum wage.

By letter dated 12 Jan 15, Respondent timely requested a hearing before the DOL Office of Administrative Law Judges ("OALJ"), disputing the determination of back wages due and Civil Money Penalties.

By motion dated 29 May 15, counsel for the Administrator filed "Administrator's Motion for Voluntary Dismissal Without Prejudice" requesting "a voluntary dismissal of this action without prejudice so that it can issue a revised determination pursuant to 29 C.F.R. 503.41 (2015) identifying the relevant violations of the I-129 petition and providing Respondent the opportunity to request a hearing pursuant to 29 C.F.R. 503.43 (2015)." On 4 Jun 15, Respondent filed "Respondent's Answer in Qualified Support of the Administrator's Motion for Voluntary Dismissal Without Prejudice."

Upon due consideration, I construe the Administrator's Motion as a withdrawal of the determination outlined in the Administrator's letter to Respondent. Accordingly, the Administrator's Motion is **GRANTED**, the hearing scheduled for 27 Oct 15 in Houston, Texas is **CANCELLED** and this matter is **DISMISSED** with prejudice.

ORDERED this 25th day of June, 2015, at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge