



**Issue Date: 14 June 2017**

**Case Number: 2017-TNE-00005**

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR DIVISION,**  
*Prosecuting Party,*

v.

**CAPTAIN PHIP'S SEAFOOD,**  
*Respondent.*

**DECISION AND ORDER**

This proceeding arises from the H-2B provisions of the Immigration and Nationality Act, ("INA"), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b), 1184(c), and 1186 and the applicable regulations issued there under at 20 C.F.R. Part 655, Subpart B. The Administrator, U.S. Department of Labor, Wage and Hour Division ("Administrator"), and Respondent, Captain Phip's Seafood, have filed a Joint Motion to Dismiss the Action which the parties agree resolves all issues in dispute in this case relating to Respondent's contest of Administrator's January 19, 2017 Determination Letter ("Determination Letter") regarding its compliance with the H-2B provisions of the INA.

Respondent has joined this Motion to Dismiss, the Administrator agrees to rescind the Determination Letter, and the parties have waived all further procedural rights.

Accordingly, **IT IS ORDERED** that Respondent's request for a hearing is dismissed with prejudice. Within fifteen days of this Order, the Administrator will rescind the Determination Letter and provide written notification to Respondent confirming this action.

**SO ORDERED:**

**MARC R. HILLSON**  
Administrative Law Judge<sup>1</sup>

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<sup>1</sup> Appointed under the U.S. Office of Personnel Management Senior Administrative Law Judge Program. *See* 5 C.F.R. § 930.209.