

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 03 May 2018**

Case No.: 2018-TNE-00024

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR,  
Prosecuting Party,

v.

RUNYON AND SONS ROOFING, INC.,  
Respondent.

**ORDER OF DISMISSAL**

This is a proceeding under the H-2B provisions of the Immigration and Nationality Act, (“INA”), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), as amended, and the applicable regulations issued thereunder at 20 C.F.R. Part 655. These proceedings were initiated after the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) issued penalties against Runyon & Sons Roofing, Inc. (“Employer”) on April 5, 2018, after an investigation relating to the USCIS Form I-129 Petition for a Nonimmigrant Worker and the Application for Temporary Employment Certification. The Administrator cited “a substantial failure to comply with the improper job classification and outbound transportation and subsistence requirements.” (Determination letter).

This case was transferred to the Office of Administrative Law Judges on April 24, 2018. I issued A Notice of Assignment on April 27, 2018. Thereafter, the Administrator notified my office that the Employer has already paid the penalties assessed in the Determination Letter and the matter should be dismissed.

Accordingly, **IT IS HEREBY ORDERED** that this matter is **DISMISSED**.

Joseph E. Kane  
Administrative Law Judge