

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 22 April 2019

CASE NO.: 2019-TNE-00009

In the Matter of:

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

v.

**TYM, LTD D/B/A GRAND CANYON HOLIDAY INN
EXPRESS,**
Respondent.

DECISION AND ORDER OF DISMISSAL

This matter arises under the Temporary Non-Agricultural Alien Employment Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b); 1184(c), and its implementing regulations at 20 C.F.R. Part 655, subpart A. The Administrator, Wage & Hour Division, found that Respondent had violated the H-2B program regulations. He assessed civil money penalties of \$6,191.50. Respondent objected and requested a hearing before an ALJ. I noticed a hearing to begin on August 26, 2019.

On April 16, 2019, the parties moved jointly to dismiss the appeal based on Respondent's withdrawal of its request for a hearing. The joint motion includes a document signed by Respondent's CFO withdrawing the request for hearing and sending the \$6,191.50 owed in civil money penalties. I take this as tantamount to Respondent's consent to the Administrator's Determination, and I accept it as such. *See* 29 C.F.R. § 503.49(d). It appears that Respondent has complied with the Administrator's Determination. To the extent that it has not, it must do so.

The hearing set for August 26, 2019, is VACATED. This matter is DISMISSED.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge