



Issue Date: 04 June 2020

Case Number: 2020-TNE-00022

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

EVERGREEN LODGE, LLC.
Respondent.

ORDER OF DISMISSAL

This matter arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 *et seq.*, and the implementing regulations at 29 C.F.R. Part 503.

On February 21, 2020, an Assistant District Director of DOL’s Wage and Hour Division (“Prosecuting Party”) issued an Administrator’s Determination (Reference # 1894673) to Evergreen Lodge, LLC (“Respondent”), finding several violations of certain H-2B provisions of the INA regarding an Application for Temporary Employment Certification covering the period from April 1, 2019 to December 31, 2019. As a consequence of the violations, back wages to ten (10) workers in the amount of \$11,202.34 were assessed. Respondent was also assessed a civil money penalty (“CMP”) in the amount \$21,537.54.

By letter dated March 13, 2020, Respondent requested a hearing before the U.S. Department of Labor, Office of Administrative Law Judges (“OALJ”) limited to the assessed CMPs, as the back wages have apparently been paid in full. On June 2, 2020, counsel for Respondent filed *Motion to Withdraw Appeal* (“Motion”), indicating Respondent wishes to withdraw the appeal as “[a]ll matters have been resolved and Respondent has no further basis to request administrative review.” At my direction, a member of my staff contacted the Prosecuting Party on June 3, 2020 and confirmed they had no objection to the Motion.

Accordingly, the parties having indicated that they have settled all outstanding issues, obviating the need for a hearing, Respondent’s motion to withdraw its request for hearing is GRANTED and this matter is DISMISSED, with prejudice.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge