



DATE: APR 4 1990

IN THE MATTER OF

DALE WAGNER
BADLANDS CUSTOM HARVESTING

CASE NO.: 90-TLC-14

DECISION AND ORDER

This matter concerns a determination that the employer, to this action violated the terms of its temporary labor certification. The employer filed an appeal with this office on March 1, 1990, contesting the Regional Administrator's determination.

Shortly after this appeal was filed, Respondent, the United States Department of Labor, filed a motion to dismiss on March 22, 1990. In support of its motion to dismiss, Respondent asserted that "[t]he Certifying Officer has withdrawn the final determination dated February 22, 1990, which formed the basis for the appeal in this matter. Consequently, we ask that the appeal in this matter be dismissed as moot." Employer has not objected to this motion.

Respondent's motion to dismiss this matter on the grounds of mootness is GRANTED, given the facts and the apparent agreement of the Employer.

JOHN M. VITTON
Deputy Chief Judge

JMV/DA/mb