



DATE: AUG 1 1991

IN THE MATTER

TAKASUGI SEED FARMS
Plaintiff

v.

U.S. DEPARTMENT OF LABOR,
Defendant

CASE No.: 91-TLC-5

ORDER GRANTING MOTION TO DISMISS

This case arises under Part 655 of Title 20 of the Code of Federal Regulations, which covers the labor certification process for the temporary employment of aliens in the United States. On June 27, 1991, the Department of Labor (DOL) informed Takasugi Seed Farms (Employer) of the denial of a temporary alien agricultural labor certification for the 1992 season, as a result of the Employer's failure to timely pay the fee due for the current season. Pursuant to 20 C.F.R. § 655.112, the Employer timely appealed the denial before this office.

On July 25, 1991, DOL filed a Motion to Dismiss this action as moot. In support of its motion, DOL stated that the Regional Administrator has determined that extenuating circumstances exist; therefore, a denial of certification is not appropriate.

Since there is no longer any dispute between the parties, the Motion to Dismiss is hereby GRANTED. It is ORDERED that this matter is DISMISSED.

JOHN M. VITTONI
Deputy Chief Judge

JMV/RD/mb