



DATE: 2/18/99

CASE NO.: 1999-TLC-3

In the Matter of:

WILLOWAY NURSERIES, INC.,
Complainant

v.

DEPARTMENT OF LABOR
Respondent

ORDER OF DISMISSAL AND CANCELING HEARING

This matter arose under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184 and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B. It was scheduled for hearing in Cleveland, Ohio, on February 17, 1999.

On February 12, 1999, counsel for the employer, WILLOWAY NURSERIES, INC. (hereafter "Employer"), Mr. Monte B. Lake, Esq., submitted a Motion to Dismiss the matter with prejudice and previously withdrew its request for a hearing before an administrative law judge. Mr. Lake states that the Employer and the U.S. Department of Labor (DOL) have reached agreement regarding the application for temporary labor certification that gave rise to the case and all issues have been resolved. No objection has been entered to the Motion by the Department of Labor, to date.

This Order serves as the final decision of the Secretary of Labor and no further review shall be given to the temporary alien agricultural labor certification application or the temporary alien agricultural labor certification determination by any DOL official.

ORDER

WHEREFORE, the Employer's Motion is GRANTED. The matter is DISMISSED with prejudice. The scheduled hearing is CANCELED.

RICHARD A. MORGAN
Administrative Law Judge

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