



In the Matter of: )  
)  
**J. Frank Schmidt and Sons** )  
)  
Employer, )  
)  
v. )  
)  
**Department of Labor** )  
)  
)

Date Issued: November 30,2000  
Case No. 2001-TLC-0001

**APPEARANCES:**

*On behalf of the Claimant:*  
Amy Habib, Esquire  
McGuiness, Norris and Williams  
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*On behalf of the Department of Labor*  
Harry Sheinfeld, Esquire  
Counsel for Litigation  
U.S. Department of Labor  
Office of the Solicitor  
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**BEFORE:**

Daniel F. Solomon  
Administrative Law Judge

**Order of Dismissal**

This case has been brought under the provisions of the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. §§ 49 *et seq.* It involves a challenge to the prevailing wage determination as to Seasonal Senior Crew Leaders by the Employment and Training Administration (ETA), (reissued by the Certifying Officer under letter of rejection, October 17, 2000.) *See* 20 C.F.R. §§ 658.423. A hearing in this matter was heard November 16, 2000 in Washington, DC.

On November 24, 2000 the parties jointly moved for an Order of Dismissal, upon submission of a "Joint Stipulation and Order of Dismissal" of this claim with prejudice and without provision of payment

for fees and costs to either party. Department of Labor has certified the applications in question and has formally retracted the disputed prevailing wage rate at issue.

**Therefore**, it is hereby **ORDERED** that the instant case is **DISMISSED** as moot.

Daniel F. Solomon  
Administrative Law Judge