

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 15 October 2004**

*In the matter of*  
**Administrator, Wage and Hour Division**  
**United States Department of Labor**  
Complainant

v.

**North Carolina Growers Association**  
**and**  
**Highland Frazier Firs,**  
**and**  
**Sexton Associations and Sexton Tree Farms,**  
**and**  
**New River Tree Company**

Case Nos.           2001-TAE-00003  
                                  2001-TAE-00004  
                                  2001-TAE-00005  
                                  2001-TAE-00006

Respondents

**ORDER**  
***DISMISSAL OF CLAIMS***

These claims were brought under the Immigration and Nationality Act of 1952 P.L. 82-414, 66 Stat. 163, codified and amended at 8 U.S.C. §§ 1101, et seq. (the “INA”), as amended by the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978, and the Miscellaneous Technical Immigration and Naturalization Amendments of 1991, P.L. 102-232, 105 Stat. 1733 and the American Competitiveness and Workforce Improvement Act of 1998 (“ACWIA”), P.L. 105-277, 122 Stat. 2861-641. Jurisdiction over the hearing in this matter vested in the Office of Administrative Law Judges by INA §§ 212(n)(2), 8 U.S.C. §§ 1182(n), 20 C.F.R. §§ 655.820-840.

On October 7, 2004 I received a Notice of Withdrawal from Complainant, with a proposed Order..

After having been fully advised in these premises, withdrawal is **GRANTED**.

It is **ORDERED** that the Order of Reference dated May 15, 2001 is hereby **DISMISSED**, with each party bearing their own costs, fees (including attorney’s fees) and expenses as were incurred in connection with any stage of this proceeding.

**A**

DANIEL F. SOLOMON  
Administrative Law Judge

Washington, D.C.

DFS: jm-h

**NOTICE:** A Respondent, the Administrator or any interested party desiring review of this Decision and Order may petition for such review by the Secretary, in accordance with the procedure set forth in 20 C.F.R. §501.42. A petition for review must be timely filed with the Administrative Review Board, U. S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. See Secretary's Order 2-96, paragraph 4c (18), 61 Fed. Reg. 19978 (May 3, 1996); Final Rule, 61 Fed. Reg. 19982 (May 3, 1996) (delegating review functions of Secretary under pertinent statute and regulations to Administrative Review Board). To be timely filed, a petition for review must be filed within thirty (30) days of the date of this Decision and Order. See 20 C.F.R. § 501.42(a).