



Issue Date: 21 March 2013

Case No. 2013-TAE-3

In the Matter of:

RANDY CLANTON FARMS, INC.,
Respondent.

Upon request for a hearing regarding the
assessment of civil money penalties under
29 C.F.R. Part 501

**DECISION AND ORDER GRANTING WITHDRAWAL
AND CANCELLING HEARING**

This case arises under §218 of the Immigration and Nationality Act, as amended by §301 of the Immigration and Reform Control; Act of 1986, 8 U.S.C. §1101, *et seq.*, and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On November 20, 2012, the Administrator, Wage and Hour Division, U. S. Department of Labor (Administrator), filed an Order of Reference, referring this matter to the Office of Administrative Law Judges for a hearing.

On March 11, 2013, I received a letter from F. Mattison Thomas, III, counsel for Respondent, Randy Clanton Farms, Inc., stating that Respondent agrees to withdraw its appeal of all assessments of violations and penalties against Respondent, set out in a Notice of Determination of Wages Owed and Civil Penalties (Notice of Determination), dated October 11, 2012, by Robert A. Darling, District Director, Wage and Hour Division, U. S. Department of Labor. Mr. Thomas's letter indicates that the conditions, which were the subject of the above Notice of Determination, have been abated by Respondent and the Plaintiff, Administrator, by counsel, Zaira G. Khan, agrees to Respondent's voluntary withdrawal of its appeal of the assessments of violations and penalties against Respondent.

Accordingly, it is therefore **ORDERED** that the assessment of \$25,777.82 in unpaid wages and the imposition of \$363,600.00 in civil money penalties is **AFFIRMED**, and payment of such wages and penalties remains due, as set out in the Notice of Determination. Having been fully advised in these premises, withdrawal is **GRANTED**.

IT IS FURTHER ORDERED that the Order of Reference, dated November 20, 2012, is hereby **DISMISSED**, with each party to bear their own costs and expenses and the hearing scheduled for April 10, 2013, in Little Rock, Arkansas is hereby **CANCELLED**.

JOSEPH E. KANE
Administrative Law Judge