



Issue Date: 17 November 2020

Case No.: 2019-TAE-00006

In the Matter of:

ML FARM SYSTEMS, INC.,
Employer.

**ORDER GRANTING EMPLOYER'S
MOTION TO WITHDRAW HEARING REQUEST**

This matter arises under the H-2A provisions of the Immigration and Nationality Act ("Act"), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(a), (c), and 1188, and the implementing regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.¹

By letter dated July 25, 2018, the Assistant District Director for the Grand Rapids, Michigan District Office of the Wage and Hour Division, U.S. Department of Labor, notified ML Farm Systems, Inc. ("Employer") that an investigation regarding the employment of H-2A workers revealed Employer failed to comply with certain provisions of the regulations. As a consequence, \$370,650.62 in unpaid wages and \$303,932.70 in civil money penalties were assessed against Employer.

Counsel for Employer subsequently submitted a letter to the Administrator of the Wage and Hour Division, objecting to the assessment of unpaid wages and civil money penalties and requesting a formal hearing. On January 4, 2019, the Office of Administrative Law Judges ("OALJ") received an *Order of Reference* from counsel for the Administrator, and the case was docketed. It is currently scheduled for hearing on March 9, 2021 in Des Moines, Iowa. However, on November 16, 2020, counsel for Employer filed *Motion to Rescind Request for Hearing* ("Motion"), advising the court that, given Employer filed a no-asset bankruptcy petition under Chapter 7 of the Bankruptcy Code on October 6, 2020,² he is rescinding Employer's hearing request.

For good cause shown, the Motion is GRANTED. The hearing scheduled for March 9, 2021 in Des Moines, Iowa is CANCELLED. All previously issued deadlines are REVOKED.

SO ORDERED:

STEPHEN R. HENLEY

¹ The H-2A visa program permits employers to hire foreign workers to perform temporary agricultural work within the United States on a one-time occurrence, seasonal, peak load, or intermittent basis.

² Case No. 3:20-bk-81699 (Bankr. N.D. Ill). Chapter 7 permits insolvent debtors to discharge their debts by liquidating any assets to pay creditors. 11 U.S.C. §§ 704(a)(1), 726.

Chief Administrative Law Judge