



MAKARAND BIDWAI,

ARB CASE NO. 12-009

PROSECUTING PARTY,

ALJ CASE NO. 2011-LCA-026

v.

DATE: December 13, 2011

**BOARD OF EDUCATION OF PRINCE
GEORGE'S COUNTY,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**NOTIFICATION TO PARTIES THAT CASE
HAS NOT BEEN ACCEPTED FOR REVIEW**

On October 20, 2011, Prosecuting Party, Makarand Bidwai, filed an appeal from a Department of Labor Administrative Law Judge's Decision and Order Approving Settlement Agreement with the Administrative Review Board in this case arising under the under the Immigration and Nationality Act, as amended (INA or the Act).¹ The Secretary of Labor has delegated her authority to consider an appeal of the Administrative Law Judge's order to the Administrative Review Board.²

The INA's implementing regulations provide that the Board must notify the parties and the Administrative Law Judge (ALJ) within 30 calendar days if the Board

¹ 8 U.S.C.A. §§ 1101-1537 (West 1999 & Thompson Reuters Supp. 2011). The INA's implementing regulations are found at 20 C.F.R. Part 655, Subparts H and I (2011).

² 8 U.S.C.A. § 1182(n)(2); 20 C.F.R. § 655.845. See Secretary's Order No. 1-2010, 75 Fed. Reg. 3,924-25 (Jan. 15, 2010) (delegating to the ARB the Secretary's authority to review cases including those arising under the INA).

determines that it will review the ALJ's decision.³ The Board issued no such order in this case. Accordingly, the parties are notified that the case has not been accepted for review. Furthermore, the ALJ's September 20, 2011 Order has become the final order of the Department of Labor.

On December 8, 2011, Bidwai requested the Board to reconsider its decision not to review the ALJ's Order. This request is **DENIED**.⁴

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

Note: Questions regarding any case pending before the Board should be directed to the Board's Paralegal Specialist. Juanetta Walker - Telephone: (202) 693-6200
Facsimile: (202) 693-6220

³ 20 C.F.R. § 655.845(c).

⁴ We note that in his October 5, 2011 Order Granting in Part the Joint Motion of the Administrator and the Board of Education to Dismiss, and Granting Motion to Sever, the ALJ severed Bidwai's case from those of the other prosecuting parties and stated that his case will be set for hearing in due course. The Board's decision does not in any way preclude Bidwai from appealing from the ALJ's ultimate decision in his severed case, should he desire to do so.