

U.S. Department of Labor

Administrative Review Board
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Todd



In the Matter of:

**THE PRINCIPAL DEPUTY
ADMINISTRATOR, WAGE AND
HOUR DIVISION,**

ARB CASE NO. 14-064

ALJ CASE NO. 2013-LCA-035

PROSECUTING PARTY,

DATE:

JUN 30 2014

v.

**INTERNATIONAL TECHNOLOGIES,
INC.,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

U.S. DEPT. OF LABOR
ADMINISTRATIVE LAW JUDGES
WASHINGTON, DC
2014 JUN 2 11 09 55

ORDER HOLDING PETITION FOR REVIEW IN ABEYANCE

On May 14, 2014, a Department of Labor Administrative Law Judge (ALJ) issued a Decision and Order Granting Principal Deputy Administrator's Motion for Summary Decision and Cancelling Hearing (D. & O) in this case arising under the Immigration and Nationality Act, as amended.¹ Respondent International Technologies asserts that it filed a Request for Reconsideration of this Decision and Order with the ALJ on May 30, 2014. On June 11, 2014, Respondent filed a Petition for Review with the Administrative Review Board. The Respondent avers that ALJ has not yet acted upon its request for reconsideration.

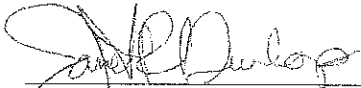
The Secretary of Labor has delegated authority to issue final agency decisions on cases on appeal from a final ALJ order under the INA to the ARB.² This case is not yet

¹ 8 U.S.C.A. §§ 1101(a)(15)(H)(i)(b), 1182(n), 1184(c) (West 1999 & Thomson Reuters Supp. 2014) (INA).

² Secretary's Order No. 2-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 77 Fed. Reg. 69,378, § 5(a)(26) (Nov. 16, 2012). See also 20 C.F.R. § 655.845 (2013).

ripe for consideration on appeal because the ALJ has not yet issued a final decision. Accordingly, the ARB will hold Respondent's Petition for Review in abeyance pending the issuance of a decision on reconsideration by the ALJ. If Respondent still wishes to appeal the ALJ's decision, it must so notify the ARB within 30 days of the ALJ's decision on reconsideration. If the Administrator or interested parties wish to appeal the ALJ's final decision, they must do so as provided in 20 C.F.R. § 655.845, i.e., by filing a petition for review that is received by the Board within 30 calendar days of the date of the ALJ's decision and order on reconsideration. The period provided in 20 C.F.R. § 655.845(c), in which the Board may determine whether to review the ALJ's final decision, is held in abeyance pending notification of Respondent's desire to activate its petition for review or the Administrator's or interested parties' filing of a Petition for Review in response to the ALJ's final order.

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 legal assistants.**

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