



**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: August 28, 2014**

v.

**INTERNATIONAL TECHNOLOGIES,  
INC.,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Prosecuting Party:*

**M. Patricia Smith, Esq.; Jennifer S. Brand, Esq.; William C. Lesser, Esq.;  
Paul L. Frieden, Esq.; Andrea Lindemann Gilliam, Esq.; U.S. Department of  
Labor, Washington, District of Columbia**

*For the Respondent:*

**Mary E. Pivec, Esq.; Ford & Harrison LLP, Washington, District of  
Columbia**

**Before: Paul M. Igasaki, Chief Administrative Appeals Judge and E. Cooper Brown,  
Deputy Administrative Appeals Judge**

## ORDER OF DISMISSAL

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.<sup>1</sup> Respondent International Technologies 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. When Respondent filed its Petition, the ALJ had not yet acted upon its request for reconsideration.

The Secretary of Labor has delegated authority to the ARB to issue final agency decisions on cases on appeal from a final ALJ order under the INA.<sup>2</sup> Thus, finding that this case was not yet ripe for consideration on appeal because the ALJ had not yet issued a final decision, we issued an order holding Respondent's Petition for Review in abeyance pending the ALJ's issuance of a decision on reconsideration.

On July 16, 2014, the ALJ issued an Order Denying Motion for Reconsideration and Incorporating and Approving Settlement Agreement. The approved Settlement Agreement includes the provision that

ITI hereby withdraws its contest before the Administrative Law Judge and Administrative Review Board. The Administrator and ITI waive any further procedural steps before the Administrative Law Judge and the Administrative Review Board regarding those matters which are the subject of this agreement. The Administrator and ITI waive any right to challenge or contest the validity of the findings and any order entered into in accordance with this Settlement Agreement.<sup>[3]</sup>

In a letter dated July 29, 2014, the Administrator requested that the ARB dismiss this case, given the settlement agreement. Accordingly, we ordered Respondent to show cause, no later than August 14, 2014, why the ARB should not dismiss ARB Case No.

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

<sup>2</sup> 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).

<sup>3</sup> Settlement Agreement at 3.

14-064, currently held in abeyance before us. Respondent has not responded to the Show Cause Order. Therefore, as requested by the Administrator, we **DISMISS** this case.

**SO ORDERED.**

**PAUL M. IGASAKI**  
**Chief Administrative Appeals Judge**

**E. COOPER BROWN**  
**Deputy Chief Administrative Appeals Judge**