



IN THE MATTER OF:

**ADMINISTRATORS, WAGE AND HOUR
DIVISION AND OFFICE OF FOREIGN
LABOR CERTIFICATION,
U.S. DEPARTMENT OF LABOR,**

ARB CASE NO. 14-004

**ALJ CASE NOS. 2011-TNE-002
2012-PED-001**

PROSECUTING PARTIES,

DATE: January 15, 2014

v.

PETER’S FINE GREEK FOODS, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER CLOSING CASE

On October 30, 2013, the Administrative Review Board granted Respondent’s request for an extension of time until November 25, 2013, to file a Petition for Review in this case arising under the H-2B provision of the Immigration and Nationality Act.¹ The Respondent did not file the petition for review as ordered. The Board’s authority to effectively manage its docket, including authority to require compliance with Board briefing orders, is necessary to “achieve orderly and expeditious disposition of cases.”² This Board has authority to issue sanctions, including dismissal, for a party’s failure to comply with the Board’s orders and briefing requirements.³

¹ 8 U.S.C.A. 1101(a)(15)(H)(ii)(b) (West 1999 & Thomson Reuters Supp. 2013).

² *Link v. Wabash*, 370 U.S. 626, 630-31 (1962).

³ *Jessen v. BNSF Railway Co.*, ARB No. 12-107, ALJ No. 2010-FRS-022 (ARB July 26, 2013). *See also Ellison v. Washington Demilitarization Co.*, ARB No. 08-119, ALJ No. 2005-CAA-009 (ARB Mar. 16, 2009), *aff’d sub nom. Ellison v. U.S. Dep’t of Labor*, 09-13054 (11th Cir. June 17, 2010).

Accordingly, we ordered Respondent to show cause no later than December 20, 2013, why we should not close docket number 14-004 because it had failed to file a petition for review in accordance with the Board's October 30, 2013 order. We cautioned Respondent that if the Board did not receive its response to this order on or before December 20, 2013, the Board may close the case without further notice to the parties.

Respondent did not respond to the Board's show cause order. Accordingly, we **CLOSE** docket number 14-004.⁴

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 Specialists: Telephone: (202) 693-6200
Facsimile: (202) 693-6220**

⁴ The Administrator, Wage and Hour Division, has also filed a petition for review of the Administrative Law Judge's Decision and Order in this case. This appeal, docketed as number 14-003, remains on the Board's docket.