

**U.S. Department of Labor**

Administrative Review Board  
200 Constitution Ave. NW  
Washington, DC 20210-0001



**IN THE MATTER OF:**

**ADMINISTRATOR, WAGE AND HOUR  
DIVISION, UNITED STATES  
DEPARTMENT OF LABOR,**

**ARB CASE NO. 2025-0014**

**ALJ CASE NO. 2023-TAE-00005  
ALJ NATALIE A. APPETTA**

**PROSECUTING PARTY,**

**DATE: February 27, 2025**

**v.**

**O'BRYAN COMPOSTING, LLC,**

**RESPONDENT.**

**Appearances:**

***For the Prosecuting Party:***

**Kevin A. Shanahan, Esq.; Jennifer S. Brand, Esq.; Sarah Kay Marcus, Esq.; Rachel Goldberg, Esq.; Emily H. Su, Esq.; *U.S. Department of Labor, Office of the Solicitor*; Washington, District of Columbia**

***For Respondent:***

**Leon R. Sequeira, Esq.; *Sequeira Bilby PLLC*; Frankfort, Kentucky; and Clifford Whitehead, Esq.; *Ziemer, Stayman, Weitzel & Shoulders, LLP*; Evansville, Indiana**

**Before WARREN and ROLFE, Administrative Appeals Judges**

**ORDER APPROVING WITHDRAWAL OF RESPONDENT'S PETITION OF  
REVIEW AND DISMISSING INTERLOCUTORY APPEAL**

**PER CURIAM:**

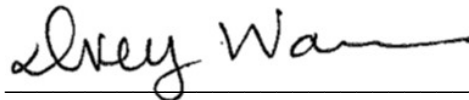
This matter arises under the H-2A provisions of the Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(a), as amended, and its implementing regulations set forth at 20 C.F.R. Part 655, Subpart B, and 29 C.F.R. Part 503. On November 8, 2024, a Department of Labor Administrative Law Judge issued an

Order Denying Respondent's Motion to Dismiss. On November 27, 2024, O'Bryan Composting, LLC (Respondent) filed a Petition for Review of the ALJ's ruling with the Administrative Review Board (Board). On December 6, 2024, the Board issued an Order to Show Cause directing Respondent to show cause why the Board should not dismiss its petition for interlocutory review of the ALJ's order.

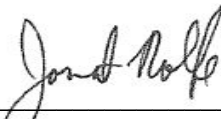
On February 24, 2025, Respondent filed a request to withdraw its Petition for Review. Respondent asserted that the ALJ issued an Order Dismissing Alleged Violations Pertaining to TN Workers Due to Lack of Jurisdiction on February 5, 2025, which mooted the ALJ's prior denial of Respondent's Motion to Dismiss and therefore also mooted its interlocutory appeal to the Board.<sup>1</sup>

Accordingly, we **GRANT** Respondent's request to withdraw the petition for review and **DISMISS** the interlocutory appeal.

**SO ORDERED.**



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**IVEY S. WARREN**  
Administrative Appeals Judge



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**JONATHAN ROLFE**  
Administrative Appeals Judge

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<sup>1</sup> On February 20, 2025, the ALJ issued an Order Denying Administrator's Motion for Reconsideration.