

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. 2025-0052

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

PROSECUTING PARTY,

DATE: June 18, 2025

v.

O'BRYAN COMPOSTING, LLC,

RESPONDENT.

Appearances:

For the Administrator, Wage and Hour Division:

**Jennifer Brand, Esq.; Sara A. Conrath, Esq.; and Katelyn J. Poe, Esq;
*U.S. Department of Labor, Office of the Solicitor; Washington, District
of Columbia***

For the Respondent:

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

**Before JOHNSON, Chief Administrative Appeals Judge, and KAPLAN,
Administrative Appeals Judge**

ORDER OF DISMISSAL

This case arises under the H-2A provisions of the Immigration and Nationality Act (INA), as amended, and their implementing regulations.¹ The

¹ 8 U.S.C. § 1101(a)(15)(H)(ii)(a); 20 C.F.R. Part 655, Subpart B (2010); 29 C.F.R. Part 501 (2024).

Administrator, Wage and Hour Division, United States Department of Labor (Administrator), alleges that Respondent O'Bryan Composting, LLC, violated requirements of the H-2A temporary agricultural visa program.

On February 5, 2025, a United States Administrative Law Judge (ALJ) issued an order (February 5 Order) dismissing some, but not all, of the Administrator's claims against Respondent. On March 31, 2025, the ALJ issued an order granting default judgment against Respondent on the remaining claims.

After receiving two extensions, the Administrator filed a Petition for Review of the ALJ's February 5 Order on May 28, 2025.² On June 11, 2025, the Administrator filed a Motion to Withdraw Petition for Review and Voluntarily Dismiss Appeal (Motion to Withdraw). The Administrator states that "[u]pon further consideration of this matter and in light of limited agency resources, the Administrator has determined not to pursue this appeal," and, therefore, moves to withdraw its Petition for Review and asks the Board to dismiss this appeal. The Administrator states that Respondent does not oppose the Motion to Withdraw.

The Board **GRANTS** the Administrator's Motion to Withdraw and **DISMISSES** this appeal.

SO ORDERED.

RANDEL K. JOHNSON
Chief Administrative Appeals Judge

ELLIOT M. KAPLAN
Administrative Appeals Judge

² Respondent filed its own Petition for Review on May 28, 2025, which the Board has assigned ARB Case No. 2025-0065. That case remains pending with the Board.