

**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. 2025-0065**

**ALJ CASE NO. 2023-TAE-00005**

**ALJ NATALIE A. APPETTA**

**PROSECUTING PARTY,**

**DATE: April 22, 2026**

**v.**

**O'BRYAN COMPOSTING, LLC,**

**RESPONDENT.**

**ORDER GRANTING JOINT MOTION FOR STIPULATED DISMISSAL AND  
CONSENT ORDER VACATING MARCH 31, 2025 ORDER, REVERSING  
ADMINISTRATOR'S DETERMINATIONS, AND DISMISSING APPEAL**

This case arises under the Immigration and Nationality Act, as amended by the Immigration and Reform Control Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(a) and (c), and 1188, and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On May 28, 2025, Respondent O'Bryan Composting, LLC appealed Administrative Law Judge Natalie A. Appetta's March 31, 2025 Order Addressing Deputy Administrator's Objection's to O'Bryan Composting, LLC's Amended Prehearing Statement and Granting Default Decision to the Administrative Review Board (Board).

In that decision, the ALJ issued a default decision in favor of the Deputy Administrator of the United States Department of Labor's Wage and Hour Division and against Respondent for violations of 20 C.F.R. §§ 655.122(d)(1), (h)(4), and (j)(1). The ALJ issued the default decision on the basis that Respondent had failed to timely comply with discovery, comply with the ALJ's discovery orders, or to supplement its previous discovery responses, and imposed civil money penalties totaling \$8,541.

On June 18, 2025, the Board issued a Notice of Appeal Acceptance and Briefing Order (Briefing Order), accepting the appeal and setting forth a briefing schedule. After two successive extensions requested by Respondent to allow for settlement discussions, Respondent filed an opening brief on August 13, 2025.

Subsequently, the Board granted the Administrator's own two successive unopposed motions for an extension of time to file a response brief. The Administrator then informed the Board on February 17, 2026, that it would not file a response brief and that it had begun discussions with Respondent to resolve the case. Having received no further update from the parties, the Board ordered the parties on April 1, 2026, to file a joint status report within 14 days, or it would decide the appeal on the existing record.

On April 15, 2026, the parties filed a Joint Motion for Stipulated Dismissal and Consent Order Vacating March 31, 2025 Order, Reversing Administrator's Determinations, and Dismissing Appeal. In that motion, the Administrator notifies the Board it "no longer seeks to pursue its claims against Respondent for the stated violations of 20 C.F.R. §§ 655.122(d)(1), (h)(4), and (j)(1), any claim for violation giving rise to the March Order, or the March Order."<sup>1</sup>

Citing Federal Rule of Appellate Procedure 42(b)(1) and (b)(3), the parties now request that the Board vacate the ALJ's March 31, 2025 order in which the ALJ granted default judgment to the Administrator with respect to the 20 C.F.R. §§ 655.122(d)(1), (h)(4), and (j)(1) violations, and imposed \$8,541 in civil money penalties. The parties request that the Board dismiss the Administrator's claims which led to the March 31, 2025 order, and that the dismissal "serve[ ] as a decision on the merits in favor of Respondent."<sup>2</sup>

Additionally, in the joint motion, the parties state that "Respondent expressly reserves and does not waive any claim for attorney's fees and expenses, including under the Equal Access to Justice Act, 5 U.S.C. § 504, and any other applicable authority, including bad-faith fees."<sup>3</sup> In turn, the Administrator states that it does not "waive, release, compromise, or forfeit any defense the Administrator may raise

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<sup>1</sup> Joint Motion for Stipulated Dismissal and Consent Order Vacating March 31, 2025 Order, Reversing Administrator's Determinations, and Dismissing Appeal (Joint Motion for Stipulated Dismissal and Consent Order) at 3.

<sup>2</sup> Joint Motion for Stipulated Dismissal and Consent Order at 5.

<sup>3</sup> Joint Motion for Stipulated Dismissal and Consent Order at 4.

in response to any claim by Respondent for fees or expenses, including as to the non-applicability of EAJA and the absence of any bad faith.”<sup>4</sup>

By consent of the parties, and consistent with Federal Rule of Appellate Procedure 42, we **VACATE** the ALJ’s March 31, 2025 Order granting default judgment to the Administrator with respect to violations of 20 C.F.R. §§ 655.122(d)(1), (j)(1), and (h)(4) and the imposition of civil money penalties totaling \$8,541.00 and **REVERSE** the Administrator’s October 25, 2022 determinations with respect to violations of 20 C.F.R. §§ 655.122(d)(1), (j)(1), and (h)(4). This case is **DISMISSED**, with such dismissal serving as a decision on the merits in favor of Respondent. This dismissal is without prejudice to Respondent’s right to seek attorneys’ fees and expenses (including under 5 U.S.C. § 504 and/or based on bad faith), and nothing in this Order shall be construed as a waiver of any such claim.

**SO ORDERED.**

**RANDEL K. JOHNSON**  
**Chief Administrative Appeals Judge**

**THOMAS H. BURRELL**  
**Administrative Appeals Judge**

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<sup>4</sup> *Id.*