

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 13 August 2008**

**CASE NO.: 2008-LCA-00025**

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR  
DIVISION, EMPLOYMENT STANDARDS  
ADMINISTRATION, U. S. DEPARTMENT  
OF LABOR**

*Prosecuting Party,*

**v.**

**R-TECH GROUP, LTD a/k/a R-TECH, LTD,  
KALA RAMASAMY, and BALAGURU  
RAMASAMY**

*Respondents,*

**ORDER GRANTING MOTION TO DISMISS  
AND CANCELLATION OF HEARING**

On June 16, 2008, this Court issued a Notice of Docketing, Conference Call, Notice of Hearing and Prehearing Order which was forwarded to all Parties. It should be noted that said Notice was sent to the multitude of addresses attributed to the Respondents and their various corporate entities. Numerous attempts were also been made to contact the Respondents through telephone calls made to all the telephone numbers of record, again with no success. Voicemail messages were left but no responses were made to this Office at any time. Letters were returned "Return to Sender – No such number – Unable to forward" for the correspondence from this office.

On July 22, 2008, this Court issued a Notice of Order to Show Cause and sent it once more to the multitude of addresses listed in the file and in the State Corporation Commission's record for Illinois. Respondents were ordered to show good cause why the matter should not be dismissed due to their failure to comply with the Orders of this Court and/or the abandonment of their case. No response has been made to date to this Court with the exception of receiving copies of two letters. One letter, dated July 25, 2008 from R-Tech, LTD and signed by Kala Ramasamy, was addressed to the Regional Solicitor claiming that her "estranged" husband was

“out of the country” and that she had been unable to communicate with him. The second letter, dated July 26, 2008, from R-Tech Group, LTD was purportedly signed and sent by Balaguru Ramasamy, the same individual who is supposedly still “out of the country.” Neither of the Respondents provided any telephone numbers or other means to contact them other than the addresses previously referred to supra. Neither of the letters provided sufficient “good cause” to show why the appeal should not be dismissed. It is clear that the Respondent’s have adopted the tactic of completely ignoring any communication from this Court and from the Solicitor’s office in order to delay the proceedings and prevent discovery.

Counsel for the Administrator has filed a Motion to Dismiss the Respondent’s Request for a Hearing and no response to that motion has been received to date other than the two letters referred to above. The period of time allowed for such response has elapsed.

I note with grave concern that this failure to communicate and respond when required to do so is consistent with the *modus operandi* of the Respondents throughout the course of the investigation below and will not be further tolerated.

Dismissal is an appropriate sanction against respondents who consistently fail to heed the Orders of the Court. My Notice was simple, clear and concise on the necessity for the Respondents to contact the Court and the counsel for the Administrator, as well as providing the additional information required in paragraphs 2 and 3 of the Notice. Additionally, there was no uncertainty in the Show Cause Order whatsoever. Great efforts have been made to prod the Respondents into cooperating in the expeditious disposition of this matter, without any success. The request for a hearing was initiated by the Respondents and yet they have seen fit to ignore the Orders of this Court and have abandoned their case.

### **ORDER**

Accordingly, for the reasons set forth above, **IT IS HEREBY ORDERED** that the Respondent’s request for a hearing be and hereby is dismissed. The hearing scheduled for September 9, 2008 is hereby cancelled.

The Administrator’s Findings in May 16, 2008 Determination Letter are hereby **AFFIRMED**.

**IT IS SO ORDERED.**

## **NOTICE OF APPEAL RIGHTS**

To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).

**A**

ROBERT B. RAE  
Administrative Law Judge

Washington, D.C.