



In the Matter of:

**JAMES R. ZAPPALA, JOHN R. ZAPPALA
AND SAMUEL C. ZAPPALA, Individually
and as partners in a partnership, d/b/a
ZAPPALA FARMS,**

ARB CASE NO. 03-086

ALJ CASE NO. 97-MSPA-9-P

DATE: September 29, 2003

and

NEMIAS PEREZ-ROBLERO,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Respondents:

Joseph E. Wallen, Esq., Amdursky, Pelky, Fennell & Wallen, P.C., Oswego, New York

FINAL ORDER APPROVING WITHDRAWAL OF APPEAL

This case arises under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), 29 U.S.C.A. §§ 1801-1872 (West 1999) and 29 C.F.R. Part 500 (2002). A Department of Labor Administrative Law Judge (ALJ) issued a Decision and Order (Corrected) on March 20, 2003. Pursuant to 29 C.F.R. § 500.264, James R. Zappala, John R. Zappala and Samuel C. Zappala d/b/a/ Zappala Farms filed a petition requesting the Administrative Review Board to issue a notice of intent to modify or vacate the Decision and Order. The Board issued a Notice of Intent to Modify on April 15, 2003.

By Motion dated September 23, 2003, the Respondents notified the Administrative Review Board that they have executed a settlement agreement with the United States Department of Labor resolving this case and have requested the Board to

permit them to withdraw their appeal. For good cause shown, the Board **GRANTS** the Respondents' motion and **DISMISSES** the appeal.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge