

U.S. Department of Labor

Office of Administrative Law Judges
Washington, DC



In the Matter of :

ASSOCIATION OF FARMWORKER
OPPORTUNITY PROGRAMS
Claimant

DATE: OCT 6 1986
CASE NO. 86-JSA-11

v.

TRI-COUNTY GROWERS
Respondent

ORDER GRANTING MOTION TO DISMISS

This matter is scheduled for hearing on October 15, 1986, in Martinsburg, West Virginia.

Counsel for Regional Administrator (RA) filed what amounts to be a Motion to Dismiss for the reason this case had been dismissed by virtue of Administrative Law Judge Jeffrey Tureck's Decision and Order dated November 13, 1985, in Association of Farmworkers Opportunity Program (AFOP) v. Ewers Orchards, et al., case Nos. 84-JSA-2, 3, 4, Judge Tureck ruled the complainant, AFOP, lacked standing under the applicable regulations to file the complaint and, therefore, bring the action. The RA submits Judge Tureck's ruling constitutes the law of the case and controls the disposition of this matter since the complaint presently made is the identical complaint Judge Tureck addressed in his Decision.

29 C.F.R. Part 18 contains the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges. §318.6(b) provides a period of ten (10) days to reply to a Motion.

Having received no response to the Motion to Dismiss, and considering the basis for the Motion favorably, I make the following.

ORDER

The Motion to Dismiss is GRANTED, the case is DISMISSED, and the scheduled hearing is CANCELED. The matter is REMANDED to the RA.

ROBERT J. SHEA
Administrative Law Judge

RJS:ga