

**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. 2025-0006**

**ALJ CASE NO. 2021-LCA-00011  
ALJ DREW A. SWANK**

**PROSECUTING PARTY,**

**DATE: November 26, 2024**

**v.**

**COVANEX, INC.,**

**RESPONDENT.**

**Appearances:**

*For the Prosecuting Party:*

**Jennifer Brand, Esq.; Rachel Goldberg, Esq.; Jesse Z. Grauman, Esq.;**  
*U.S. Department of Labor, Office of the Solicitor; Washington, District  
of Columbia*

*For the Respondent:*

**Sharon M. Sulimowicz, Esq.; Law Office of Sharon M. Sulimowicz;**  
*Ithaca, New York*

**Before WARREN, Acting Chief Administrative Appeals Judge,  
THOMPSON, Administrative Appeals Judge**

## **ORDER OF DISMISSAL**

**PER CURIAM:**

This case arises under the Immigration and Nationality Act (INA) and its implementing regulations, as related to the H-1B visa program.<sup>1</sup> On September 24, 2024, an Administrative Law Judge (ALJ) issued a Decision and Order Modifying

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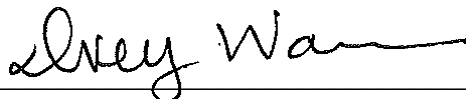
<sup>1</sup> 8 U.S.C. § 1101(a)(15)(H)(i)(b); 20 C.F.R. § 655, Subparts H and I (2024).

Administrator's Determination (D. & O.) reducing a back-wage award of \$816,830.50 to eighteen workers to an award of \$7,719.37 to one worker.<sup>2</sup>

On October 18, 2024, the Administrator of the Wage and Hour Division (Administrator) filed a Motion to Extend Time to Consider and Potentially File Petition for Review (Motion). In the Motion, the Administrator requested an extension to November 25, 2024, to file a petition for review of the D. & O.<sup>3</sup> The Board granted the Administrator's Motion on October 28, 2024, and ordered the parties to file a petition for review on or before November 25, 2024.<sup>4</sup>

On November 22, 2024, the Administrator filed a Notice That Administrator Will Not File Petition for Review, in which the Administrator notified the Board she will not pursue an appeal in this matter.<sup>5</sup> Accordingly, this appeal is **DISMISSED**.

**SO ORDERED.**




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**IVEY S. WARREN**  
Acting Chief Administrative Appeals Judge




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**ANGELA W. THOMPSON**  
Administrative Appeals Judge

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<sup>2</sup> D. & O. at 43-44.

<sup>3</sup> Motion at 2.

<sup>4</sup> Order Granting Extension to File Petition for Review at 1.

<sup>5</sup> Notice That Administrator Will Not File Petition for Review at 1.

# CERTIFICATE OF SERVICE

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ARB-2025-0006 Wage and Hour Division Administrator v. Covanex, Inc., (Case No: 2021-LCA-00011)

I certify that the parties below were served this day.

11/26/2024

(DATE)



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Thomas O. Shepherd, Jr., Esq.  
Clerk of the Appellate Boards

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