

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,)	
Complainant,)	
v.)	8 U.S.C. § 1324a Proceeding
)	Case No. 97A00137
CRAFTECH EDM CORP.,)	
Respondent.)	

ORDER GRANTING COMPLAINANT'S MOTION TO DISMISS
September 29, 1997

1. Procedural History

On July 1, 1997, the Immigration and Naturalization Service (INS or Complainant) filed a complaint against Craftware EDM Corp. (Craftware or Respondent) alleging certain violations of 8 U.S.C. § 1324a(a)(1)(B), seeking a civil money penalty in the sum of \$22,325, as previously asserted by Notice of Intent to Fine served on Respondent on April 13, 1993. By letter dated July 30, 1997, Respondent asserted that "this is a duplicate charge," comprised of previously settled allegations. Complainant filed no reply or other pleading in response. In light of Respondent's response and payment (for which it supplied the settlement agreement and vouchers), I ordered the INS to file not later than October 3, 1997, a report on the status of the previous case and a Motion to Dismiss, if appropriate. On September 26, 1997, INS filed its Motion to Dismiss. INS gives an incoherent explanation of its reason for bringing a charge duplicating a 1993 Complaint, attempting to shift blame on the Respondent for failing to provide INS at a time uncertain with the last sheet of the Agreement settling the previous case, this despite the fact that the INS cashed Respondent's checks years ago.

2. Order Dismissing the Complaint

I grant INS' Motion to Dismiss the Complaint, the Complaint replicating a matter long settled.

SO ORDERED.

Dated and entered this 29th day of September 1997.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order Granting Complainant's Motion to Dismiss were mailed first class this 29th day of September, 1997 addressed as follows:

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