

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Van Sy Seng and VSS Corp.,

Docket No.: LB-26-0292

Petitioners,

Dated: September 16, 2026

v.

**Office of the Attorney General, Fair Labor
Division,**
Respondent.

ORDER OF DISMISSAL

This is an appeal from four civil citations issued to the petitioners by the Office of the Attorney General, Fair Labor Division (division) for violations of the wage and hour laws. The division moves to dismiss on the basis that the appeal was not timely “filed” with the division under G.L. c. 149, § 27C(b)(4). *See Idea Painting, Inc. v. Attorney Gen.*, No. 2384CV02952, 2024 WL 4217947, at *5 (Suffolk Super. Sept. 3, 2024).

At a prehearing conference, the petitioners did not dispute the factual accuracy and legal merits of the motion to dismiss. They requested an interval of several weeks to consider their options and seek a settlement. An ensuing order accommodated that request and set the filing deadline requested by the petitioners. The order advised the petitioners that their failure to respond to the motion to dismiss “[would] be interpreted as indicating their agreement with the division’s position.” *Compare Bray & Gillespie Mgmt. LLC v. Lexington Ins. Co.*, 527 F. Supp. 2d 1355, 1371 (M.D. Fla. 2007), *with Jones v. Providence Pub. Sch.*, No. 23-1407, 2024 WL 1128034 (1st Cir. Mar. 11, 2024).

The petitioners' filing deadline has expired. They have filed no response. Accordingly, it is hereby ORDERED that the motion to dismiss is ALLOWED and this appeal is DISMISSED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals