



Issue Date: 10 July 2008

Case No.: 2008-TLC-00038

In the Matter of

JAY R. DEBADTS & SONS FRUIT FARM,
Employer.

Appearances: Douglas D. DeBadts, Member, Jay R. DeBadts & Sons Fruit Farm
For the Employer

William L. Carlson, Certifying Officer
Stephen Jones, Esquire
For the Respondent, Department of Labor

Before: John M. Vittone
Chief Administrative Law Judge

SUPPLEMENTAL DECISION AND ORDER

I issued a partial decision and order in this matter on July 3, 2008, ordering the Employer to provide an amended ETA Form 795 reflecting the proper piece rates for process apples for approval by the Certifying Officer (CO). On July 9, 2008, the CO indicated that the Employer has properly amended the piece rates for process apples but inadvertently changed the productivity requirements on the ETA Form 795. Via telephone conversation, the Employer gave verbal assurance that he would correct the mistaken productivity requirements upon his return to his office. The CO indicates that he accepts the Employer's verbal assurances and accepts the Employer's application, contingent upon the Employer making the necessary change.

Therefore, the Employer's application for temporary alien labor certification has been approved by the CO, assuming that the promised correction takes place, and this matter is terminated. There being no remaining issues to address, certification is approved and this matter is hereby DISMISSED. SO ORDERED.

A

JOHN M. VITTONI
Chief Administrative Law Judge