



**Issue Date: 12 November 2008**

CASE NO: 2009-TLC-00009

***In the Matter of:***

HARVEST FRESH, LLC,  
*Employer.*

Certifying Officer: Robert E. Myers  
Chicago Processing Center

**ORDER DISMISSING APPEAL**

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the implementing regulations at 20 C.F.R. Part 655, Subpart B. On November 3, 2008, this Office received Employer's request for "expedited administrative judicial review or a de novo hearing" regarding the Certifying Officer's denial of its H-2A application for temporary alien labor certification in the above-referenced matter. *See* 20 CFR Part 655, Subpart B. On November 6, 2008, the Employer's agent informed a member of my staff by telephone that the Employer would like to proceed under the expedited review procedure. I thereafter issued an Order setting a briefing schedule.

By fax received on November 10, 2008, AgWorks, Inc., agent for Employer, requested leave to withdraw its request for expedited administrative review because the certifying officer had accepted Employer's application for processing. Accordingly, IT IS ORDERED that Employer's request for administrative review of the CO's decision not to accept its application for processing is DISMISSED as moot.

**SO ORDERED.**

**A**

PAUL C. JOHNSON, JR.  
Administrative Law Judge