

U.S. Department of Labor

Office of Administrative Law Judges
Washington, DC



**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATOR LAW JUDGES**

Date Prepared: August 17, 1979

RE: KARL HETTLING, JR. 79-TLC-21

KARL HETTLING, JR., 79-TLC-21, REQUEST FOR EXPEDITED ADMINISTRATIVE/JUDICIAL REVIEW UNDER 20 CFR 655.212 FROM DENIAL BY REGIONAL ADMINISTRATOR (R.A.), ETA, NEW YORK, NEW YORK, DATED JULY 17, 1979, OF TEMPORARY LABOR CERTIFICATIONS FOR 6 HARVEST WORKERS. REQUEST FOR REVIEW RECEIVED ON JULY 20, 1979, APPEAL FILE WAS RECEIVED ON JULY 23, 1979, REACHING THE UNDERSIGNED ON AUGUST 2, 1979.

ON JUNE 29, 1979, EMPLOYER FILE APPLICATION FOR TEMPORARY LABOR CERTIFICATION FOR 6 HARVEST WORKERS FOR THE PERIOD SEPTEMBER 1, 1974 TO NOVEMBER 1, 1979. R.A.'S DENIAL OF CERTIFICATION WAS BASED ON 20 CFR 655.201(C) WHICH REQUIRES APPLICATIONS BE FILED AT LEAST 80 DAYS BEFORE THE ESTIMATED DATE OF NEED SPECIFIED IN THE APPLICATION.

THIS REGULATION IS EXPLICIT AND SINCE THE APPLICATION DID NOT ALLOW THE 80 DAYS TO TEST THE JOB MARKET AS REQUIRED, THE DENIAL IS AFFIRMED.

ROBERT J. SHEA
Hearing Officer