

U.S. Department of Labor

Office of Administrative Law Judges
Washington, DC



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

DATE PREPARED: 02/29/84

RE: APPLICATION FOR ALIEN EMPLOYMENT CERTIFICATION
DALE AAGARD
CASE.NO. 84-TLC-2

EMPLOYER, DALE AAGARD, FAILED TO PRESENT EVIDENCE OF HIS RECRUITMENT EFFORTS WHICH HE IS REQUIRED TO CONDUCT UNDER 20 CFR 655.203. EMPLOYER ALLEGES SUBSTANTIAL COMPLIANCE RELYING ON HIS SUBMISSION OF THE RESULTS OF HIS INTERVIEWS OF TWO U.S. WORKERS WHO WERE REFERRED BY THE STATE JOB SERVICE. AS STATED BY THE CERTIFYING OFFICER HOWEVER THE EMPLOYER IS REQUIRED TO ACTIVELY RECRUIT U.S. WORKERS ON HIS OWN AND NOT PASSIVELY REVIEW ONLY THOSE U.S. WORKERS REFERRED TO HIM BY THE JOB SERVICES. ABSENT SUCH EFFORTS, IT CANNOT BE FAIRLY DETERMINED THAT THERE ARE NO U.S. WORKERS AVAILABLE FOR THE POSITION. THE DENIAL OF TEMPORARY LABOR CERTIFICATION IS AFFIRMED.

CHARLES P. RIPPEY
ADMINISTRATIVE LAW JUDGE
U.S. DEPARTMENT OF LABOR
ROOM 620
1111 20TH STREET, NW:
WASHINGTON, DC 20036