

**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  
SEBASTAIN LARRALDE  
CASE NO. 84-TLC-3

EMPLOYER, SEBASTIAN LARRALDE, FAILED TO PRESENT EVIDENCE OF HIS RECRUITMENT EFFORTS WHICH HE IS REQUIRED TO CONDUCT UNDER 20 CFR 655.203. EMPLOYER ALLEGES SUBSTANTIAL COMPLIANCE NOTING THAT HE SENT THE RESULTS OF HIS INTERVIEWS OF TWO U.S. WORKERS WHO WERE REFERRED BY THE STATE JOB SERVICE BACK TO THE STATE JOB SERVICE AND NOT DOL BY MISTAKE. 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  
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