

**U.S. Department of Labor**

Office of Administrative Law Judges  
Washington, DC



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

DATE PREPARED: March 20, 1984

RE: PALOMBO FARMS OF COLO., INC.  
84-TLC-5

REFERENCED EMPLOYER REQUESTED EXPEDITED ADMINISTRATIVE JUDICIAL REVIEW UNDER 20 C.F.R. 655.212 FROM DENIAL BY REGIONAL ADMINISTRATOR (RA) ON MARCH 5, 1984 OF TEMPORARY LABOR CERTIFICATION (TLC) FOR 25 FARMWORKERS. REQUEST FOR REVIEW RECEIVED MARCH 9, APPEAL FILE RECEIVED MARCH 15, 1984.

RA DENIED TLC BECAUSE OF FAILURE OF EMPLOYER TO ADVISE RA OF RECRUITMENT ACTIVITIES IN A TIMELY MANNER, FAILURE TO FULLY COOPERATE IN EFFORTS TO RECRUIT U.S. WORKERS, AVAILABILITY OF U.S. WORKERS, AND UNRESOLVED COMPLAINTS AGAINST EMPLOYER. THE RECORD SUPPORTS THE RA'S DETERMINATION THAT EMPLOYER FAILED TO FULLY COOPERATE WITH EFFORTS TO RECRUIT U.S. WORKERS, PARTICULARLY IN TEXAS, AND THAT THERE IS AN ABUNDANCE OF SUCH WORKERS AVAILABLE. FURTHER, EMPLOYER'S LETTER NOTIFYING THE RA OF HIS RECRUITMENT EFFORTS WAS NOT TIMELY, SINCE IT WAS NOT WRITTEN UNTIL THE DATE IT WAS TO BE RECEIVED BY THE RA. MOREOVER, IT REFLECTS INADEQUATE RECRUITMENT EFFORTS. FOR EXAMPLE, NO ATTEMPT WAS MADE TO CONTACT FORMER EMPLOYEES.

THEREFORE, THE RA'S DENIAL OF TLC IS AFFIRMED.

JEFFREY TURECK  
ADMINISTRATIVE LAW JUDGE

DATED: MARCH 20, 1984  
WASHINGTON, D.C.

JT/eht