



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

DATE PREPARED: 4-19-84

RE: PALOMBO FARMS OF COLO., INC.  
84-TLC-6

THE REGIONAL ADMINISTRATOR DENIED THE APPLICATION OF PALOMBO FARMS OF COLORADO, INC. FOR A TEMPORARY LABOR CERTIFICATE ON MARCH 5, 1984. PALOMBO APPEALED TO THE CHIEF ADMINISTRATIVE LAW JUDGE AND THE CASE WAS REFERRED TO ADMINISTRATIVE LAW JUDGE JEFFREY TURECK FOR REVIEW. ON MARCH 20, 1984 AN ORDER WAS SENT BY MESSAGE FROM JUDGE TURECK AFFIRMING THE ACTION OF THE RA. FOLLOWING ADDITIONAL CORRESPONDENCE, THE RA WROTE TO PALOMBO AGAIN DENYING THE TLC AND ADVISING OF THE RIGHT TO APPEAL PROVIDED AT 20 C.F.R. §655.206(A). PALOMBO AGAIN APPEALED AND ITS "SECOND REQUEST FOR ADMINISTRATIVE/JUDICIAL REVIEW" HAS BEEN ASSIGNED TO ME FOR RESOLUTION. I FIND MYSELF BOUND BY THE PROVISIONS OF 20 C.F.R. §655.212 WHICH PROVIDES THAT "THE HEARING OFFICER'S DECISION SHALL BE THE FINAL DECISION OF THE DEPARTMENT OF LABOR AND NO FURTHER REVIEW SHALL BE GIVEN TO THE TEMPORARY LABOR CERTIFICATION DETERMINATION BY ANY DEPARTMENT OF LABOR OFFICIAL." THE RA HAD NO AUTHORITY TO TAKE ANY ACTION WITH REGARD TO THIS PETITION SUBSEQUENT TO JUDGE TURECK'S DECISION. BECAUSE, AS AN ADMINISTRATIVE LAW JUDGE, I AM A DEPARTMENT OF LABOR OFFICIAL, I TOO HAVE NO SUCH AUTHORITY. THE PETITION OF, PALOMBO FARMS FOR REVIEW OF ACTION OF THE RA IS DENIED.

EDWARD J. MURTY, JR.  
ADMINISTRATIVE LAW JUDGE

DATED: 4-19-84  
WASHINGTON, D.C.

EJM/ebf