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.....
In the Matter of

YONDER FRUIT FARMS, INC.

v.

EMPLOYMENT AND TRAINING ADMINISTRATION,
U.S. DEPARTMENT OF LABOR
.....

CASE NO. 82-WPA-20

ORDER

On May 13, 1980, the employer in this matter requested a permanent structural variance from the housing regulations set forth at 20 C.F.R. §654.407. Upon denial of this request by the Regional Administrator, Employment and Training Administration, U.S. Department of Labor, the employer filed a timely request for a hearing before a Department of Labor administrative law judge and the matter was then assigned the docket number set forth above.

Subsequently, on May 10, 1982, the same employer submitted an application for a temporary labor certification of 14 foreign workers. By letter dated August 19, 1982,, the Regional Administrator granted the employer's request for 5 workers and denied the request for the remaining 9 workers. The denial was predicated, in part, on the prior denial of the employer's housing variance report. By order dated September 14, 1982, the temporary labor certification request was consolidated with Case No. 82-WPA-20.

On August 23, 1982, pursuant to 20 C.F.R. §655.204(d), the employer filed a timely request for an expedited judicial review of the Regional Administrator's denial of the temporary labor certification. The pertinent regulations however indicate that such a review shall be limited to the written record, and further, that the administrative law judge shall not have authority to receive additional evidence (20 C.F.R. §655.212). Hence, an evidentiary hearing will not be held and the consolidated case will proceed to decision on an expedited basis.

William H. Dapper

WILLIAM H. DAPPER
Administrative Law Judge

Dated: OCT 4 1982
Washington, D.C.

JAJ/paw

SERVICE SHEET

CASE NAME: Yonder Fruit Farms, Inc.

CASE NO.: 82-WPA-20

TITLE OF DOCUMENT: ORDER

A copy of the above document was sent to the following parties

on OCT 4 1982.

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