



DATE ISSUED: May 31, 1989
CASE NO. 88-INA-397

IN THE MATTER OF THE APPLICATION
FOR AN ALIEN EMPLOYMENT CERTIFI-
CATION UNDER THE IMMIGRATION AND
NATIONALITY ACT

K SUPER KQ-1540 A.M.
Employer

on behalf of

VICTOR ANGEL FUENTES
Alien

Gloria G. Suazo
For the Alien

BEFORE: Litt, Chief Judge; Brenner, Guill, Tureck, and Williams,
Administrative Law Judges

NAHUM LITT
Chief Judge:

DECISION AND ORDER
DENYING MOTION FOR RECONSIDERATION

On April 3, 1989, a Decision and Order affirming the Certifying Officer's denial of certification was issued. In re K Super KQ-1540 A.M., 88 INA 397 (Apr. 3, 1989). On May 5, 1989, the Alien, filed a Motion for Reconsideration on the grounds that all deficiencies were not made intentionally, that instructions were not followed due to the employer's busy schedule, and that the employer and the alien are refiled for certification and do not want to lose their priority date.

Under 20 C.F.R. §656.26(a)(2) (1988), a request for review of a denial of certification may be made to the Board of Alien Labor certification Appeals by the alien, but only if the employer also requests such a review. In In re Edelweiss Manufacturing Co., Inc., 87 INA 562 (Nov. 10, 1988), the Board held that it has the authority to reconsider its decisions. However, consistent with an alien's right to request review in the first instance, a motion for reconsideration may be made to the Board by the Alien, but only if the Employer also requests such a motion for

reconsideration. Since the Alien, in the instant case, has moved for reconsideration where the Employer has not also moved for reconsideration, the Alien's Motion must be denied.

ORDER

The Alien's Motion for Reconsideration is hereby DENIED.

NAHUM LITT
Chief Administrative Law Judge

NL:AS