UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

DATE PREPARED: 7-13-82

RE: BROMLEY ORCHARDS
CASE NO. 82-TLC-5

THE ABOVE NAMED EMPLOYER APPEALED THE DENIAL OF A TEMPORARY LABOR CERTIFICATION BY THE REGIONAL ADMINISTRATOR (RA), DATED JUNE 11, 1982, POSTMARKED JUNE 17, 1982. and RECEIVED BY THE EMPLOYER ON JUNE 19, 1982. APPEAL WAS RECEIVED ON JUNE 25, 1982, AND THE APPEAL FILE WAS RECEIVED ON JULY 6, 1982. ON APRIL 29, 1982, EMPLOYER FILED AN APPLICATION FOR A TEMPORARY LABOR CERTIFICATION FOR 48 HARVEST WORKERS AND 2 COOKS, GIVING THE ESTIMATED DATE OF NEED FOR THE 2 WORKERS AS JULY 18, 1982. THE RA DENIED CERTIFICATION IN ACCORDANCE WITH 20 CFR 655.202(B)(l) AND 20 CFR 653.501(D)(2)(XV) BECAUSE THE EMPLOYER'S HOUSING FAILED TO MEET DEPARTMENT OF LABOR STANDARDS AT 20 CFR 654

THE EVIDENCE OF RECORD SHOWS THAT THE EMPLOYER'S HOUSING WAS INSPECTED BY THE MARYLADD OFFICE OF THE EMPLOYMENT SECURITY ADMINISTRATION ON JUNE 8:, 1982, AND FOUND DEFICIENT. I FIND THE DENIAL BY THE RA SUPPORTED BY THE EVIDENCE AND CONSISTENT WITH THE REGULATIONS.[1]

ACCORDINGLY, THE RA'S DENIAL IS AFFIRMED. THIS IS THE FINAL DECISION OF THE DEPARTMENT OF LABOR ON THIS MATTER. FURTHER REVIEW MAY BE OBTAINED BY FILING A PETITION WITH THE DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE IN YOUR GEOGRAPHIC AREA PURSUANT TO 8 CFR 214.2(H)(3)(1). THIS DECISION IS BEING TRANSMITTED TO THE EMPLOYER, BROMLEY ORCHARDS, WILLIAM J. HALTIGAN, REGIONAL ADMINISTRATOR, THE ADMINISTRATOR OF THE U.S. EMPLOYMENT SERVICE,

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[1]Apparently, the employer's housing was reinspected on June 16, .1982, and found satisfactory. I am prevented from considering this evidence by the Regulations, 20, CFR 655.212(a). I note that such constraint does not apply to the Immigration and Naturalization Service. Thus, 8 CFR 214.2(h) (3)(i) provides that "all such evidence submitted will be considered in the adjudication of the petition."

THE DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE AND THE ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING.

PETER McC. GIESEY
ADMINISTRATIVE LAW JUDGE