

**U.S. Department of Labor**

Office of Administrative Law Judges  
Washington, DC



**U.S. DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED 12-3-85

RE: RAY T. LARSON  
86-TLC-1

DECISION AND ORDER

REFERENCED EMPLOYER REQUESTED EXPEDITED ADMINISTRATIVE JUDICIAL REVIEW UNDER 20 C.F.R. 655.212 FROM DENIAL BY REGIONAL ADMINISTRATOR (RA) ON NOVEMBER 12, 1985 OF TEMPORARY LABOR CERTIFICATION (TLC) FOR MANUEL VALDEZ, A SHEEP HERDER. REQUEST FOR REVIEW RECEIVED NOVEMBER 20, APPEAL FILE RECEIVED NOVEMBER 22, 1985.

RA STATED HE DENIED TLC BECAUSE OF FAILURE OF EMPLOYER TO ADVISE RA OF RECRUITMENT ACTIVITIES HOWEVER, CASE FILE (CF) CONTAINS ADVERTISEMENT RUN BY EMPLOYER AND PROOF OF ITS PUBLICATION FOR THREE DAYS, MEETING REQUIREMENTS OF 20 C.F.R. §655.203(d)(2). IN REGARD TO OTHER RECRUITMENT ACTIVITIES, RA REQUIRED EMPLOYER ONLY TO "DOCUMENT ALL REFERRALS, INTERVIEWS, AND RESULTS." (CF AT 20). EMPLOYER STATED THAT HE DID NOT RECEIVE ANY REFERRALS FROM THE AD, AND CF CONTAINS DOCUMENTATION REGARDING 2 JS REFERRALS. SIMILARLY, ALTHOUGH RA INSTRUCTED EMPLOYER TO "CONTACT FORMER EMPLOYEES" (CF AT 21), THERE IS NO INDICATION THAT EMPLOYER HAD RELEVANT FORMER EMPLOYEES TO CONTACT.

THEREFORE, EMPLOYER HAS SATISFIED RECRUITMENT ASSURANCES, AND I FIND THAT U.S. WORKERS ARE NOT AVAILABLE. DENIAL OF CERTIFICATION BY RA IS REVERSED.

JEFFREY TURECK  
Administrative Law Judge

DATED: 3 DEC 1985  
WASHINGTON, D.C.

JT/ebf