U.S. Department of Labor Office of Administrative Law Judges
Washington, DC

In the Matter of

GORDAN BOWMAN, II
d/b/a MT. CLIFTON FRUIT COMPANY

CASE NO: 87-TLC-8

ORDER OF REVERSAL

By Notice, a de novo hearing, pursuant to 20 C.F.R.§ 655.112(b) is scheduled for September 29, 1987 in Washington, D.C. This hearing concerns the denial by Regional Administrator, William J. Haltigan, of a temporary alien agricultural labor certification application requested by Mr. Bowman.

In lieu of the hearing, the parties requested a telephone conference with the undersigned on September 28, 1987. In attendance were Gary E. Bernstecker, counsel for the Regional Administrator, U.S. Department of Labor and Gregory T. St. Ours, counsel for Gordon D. Bowman, II, Managing Partner of Mt. Clifton Fruit Company and the undersigned. The parties agreed and proferred that the procedure for determining the prevailing wage rate applicable to the application herein had not been followed by the Regional Administrator. Accordingly,

IT IS ORDERED that the Regional Administrator's finding of the prevailing wage rate for tree pruning in the Winchester Virginia area as set forth in item numbered 1 of his letter of September 10, 1987 is reversed.

IT IS FURTHER ORDERED that the de novo hearing scheduled for September 29, 1987 is stricken from the docket.

Entered September 27, 1987
Nunc pro tunc

JAMES L. GUILL
Administrative Law Judge