



Date: November 18, 1998

Case No: 1999-TLC-00001

In the Matter of:

SUFFIELD TOBACCO
Employer

DECISION AND ORDER
ALLOWING WITHDRAWAL OF CLAIM

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act 8 U.S.C. §1001(a)(15)(H)(ii)(a), and its implementing regulations found at 20 C.F.R. Part 655.

The complainant, Suffield Tobacco, filed a temporary alien agricultural labor certification application with the Regional Office of the U. S. Department of Labor Employment Training Administration on September 28, 1998. On October 6, 1998 the Regional Certifying Officer of the Employment Training Administration notified the complainant that its application was not being accepted because of the complainant's experience requirement and requested deletion of the experience requirement in order that the application be accepted. On October 13, 1998 the complainant requested a de novo hearing to appeal the Regional Certifying Officer's decision that the experience requirement be deleted.

A hearing in this matter was scheduled to be held before the undersigned administrative law judge in New London, Connecticut on November 9, 1998 and continuing the rest of the week, if necessary.

On November 4, 1998 counsel for the respondent, U. S. Department of Labor, telephoned this Office to notify that an accord in this matter had been reached and that a hearing would not be necessary. By facsimile letter dated November 5, 1998 counsel for the complainant requested withdrawal of its request for a de novo hearing in this matter as the Employment and Training Administration had accepted the complainant's application for ten alien workers under the provisions of Emergency Situations as stated at 20 C.F.R. 655.101(F)(2).

ORDER

IT IS HEREBY ORDERED that Suffield Tobacco's request for withdrawal of its request for a de novo hearing in this matter is allowed.

LAWRENCE P. DONNELLY
Administrative Law Judge

Dated: November 18, 1998
Camden, New Jersey