

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 02 July 2013

BALCA Case No.: 2013-PWD-00002
ETA Case Nos.: H-400-13042-222266
H-400-13017-673356
H-400-13042-952115

In the Matter of:

ISLAND HOLDINGS LLC.,

Employer.

Before: Almanza, Colwell, Johnson, Reilly and Rosenow
Administrative Law Judges

REMAND ORDER

This matter is before the Board of Alien Labor Certification Appeals (BALCA or Board) on the Employer's "Emergency Request for Review of Prevailing Wage Determination." After granting *en banc* review, the Board *sua sponte* questioned whether the appeal was ripe for review, given that the parties had not completed the review process set forth at 20 C.F.R. §§ 655.10 and 655.11. On June 25, 2013, the Board issued an order directing the parties to file supplemental briefs addressing this issue. Both parties timely filed briefs in response to this request. The Employment and Training Administration (ETA) maintains that the Board "can and should adjudicate this appeal," while the Employer disagrees and asserts that the Board must remand this matter to ETA. The Board has concluded that the parties should complete the review process set forth at 20 C.F.R. §§ 655.10 and 655.11.

This matter is hereby REMANDED to provide the parties an opportunity to complete the process set forth at 20 C.F.R. §§ 655.10 and 655.11.

For the Board:

WILLIAM S. COLWELL
Associate Chief Administrative Law Judge