



Issue Date: 07 November 2008

CASE NO: 2009-TLC-00005

In the Matter of:

TAYLOR ORCHARDS,
Employer.

Certifying Officer: Robert E. Myers
Chicago Processing Center

ORDER DISMISSING APPEAL

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the implementing regulations at 20 C.F.R. Part 655, Subpart B. By letter dated October 24, 2006, received in this Office on October 27, 2008, AgWorks, Inc., agent for Taylor Orchards (“Employer”), requested expedited administrative review of the decision of the certifying officer (“CO”) dated October 22, 2008, not to accept for consideration Employer’s application for temporary alien labor certification. *See* §§ 655.104(c), 655.112(a). On October 30, 2008, the Office of Administrative Law Judges received the case file from the United States Department of Labor’s Employment and Training Administration (“ETA”). On November 3, 2008, Chief Administrative Law Judge John M. Vittone issued an *Order Setting Briefing Schedule* permitting the parties to file supplemental or reply briefs no later than 4:30 pm EST on Wednesday, November 5, 2008. On November 5, 2008, Employer (through its agent) timely filed a brief.

On November 6, 2008, the CO forwarded a letter dated November 4, 2008, informing Employer’s agent that Employer’s application had been accepted for consideration. The CO represented that Employer intended to withdraw its appeal. As the November 4 letter establishes that the CO has accepted Employer’s application, IT IS ORDERED that Employer’s request for administrative review of the CO’s decision not to accept its application for processing is DISMISSED as moot.

SO ORDERED.

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PAUL C. JOHNSON, JR.
Administrative Law Judge