

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 08 March 2011

Case No.: **2011-TLC-00295**

ETA Case No: C-11027-27121

In the Matter of:

BRIESE BROTHERS HAVRE, INC.,
Employer.

ORDER OF DISMISSAL

The instant case, which 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 its implementing regulations found at 20 C.F.R. Part 655 Subpart B, has been assigned to the undersigned administrative law judge for appropriate proceedings. It involves a February 16, 2011 request for a de novo hearing by Snake River Farmers' Association, on behalf of Briese Brothers Havre, regarding the Department of Labor's denial of the application for temporary labor certification for four workers. *See* 20 C.F.R. §655.164.

By email of February 28, 2011, Vincent C. Costantino, Esq., Office of the Solicitor, advised the Office of Administrative Law Judges, pursuant to a comprehensive review of outstanding cases, that the Certifying Officer had determined that the H-2A application in the instant case (and several other cases) "can be certified" and requested that the cases be dismissed as moot. A copy of the communication should have been provided to the applicant or its representative. *See* 29 C.F.R. §§18.3(a), 18.38. However, inasmuch as the CO will be providing the applicant with the full relief requested, I agree that this matter is moot. Accordingly,

ORDER

IT IS HEREBY ORDERED that this matter is **DISMISSED**.

A

PAMELA J. LAKES
Administrative Law Judge

Washington, D.C.