

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 06 April 2011

Case No.: **2011-TLC-00324**
ETA Case No: C-11026-27047

In the Matter of:

BURTON'S FARM,
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 March 3, 2011 request for review by Burton's Farm, through their agent ALS, Inc., regarding the Department of Labor's denial of their application for temporary labor certification for six agricultural workers. *See* 20 C.F.R. §655.164.

Although the administrative file was not yet transmitted, a review of the file indicated that the application was denied because no insurance policy was in effect. In its appeal letter, the Employer advised that it had inadvertently transmitted the previous copy of the insurance policy instead of the current one. Accordingly, as a clerical error was involved, I sent an email to both parties to see whether they would agree to remanding this matter for further processing. In a March 30, 2011 response to my email, which was also sent to the Employer's agent, and in an email to OALJ of the same date, Vincent C. Costantino, Esq., Office of the Solicitor, advised that the application had been certified and requested that the case be dismissed as moot. Inasmuch as this case is moot, it should be dismissed. Accordingly,

ORDER

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

A

PAMELA J. LAKES
Administrative Law Judge

Washington, D.C.

