

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 24 June 2011**

*In the Matters of:*

<b>DANIELS PRODUCE,</b>	<b>OALJ Case No.:</b>	<b>2011-TLC-00420</b>
	ETA Case No.:	C-11118-29150
<b>NOYES APIARY, INC.,</b>	<b>OALJ Case No.:</b>	<b>2011-TLC-00418</b>
	ETA Case No.:	C-11129-29258
<b>PERRY APIARY,</b>	<b>OALJ Case No.:</b>	<b>2011-TLC-00417</b>
	ETA Case No.:	C-11122-29188
<b>E. WESELY COHEE,</b>	<b>OALJ Case No.:</b>	<b>2011-TLC-00419</b>
	ETA Case No.:	C-11123-29204
<b>BRENCKLE FARMS, INC.,</b>	<b>OALJ Case No.:</b>	<b>2011-TLC-00421</b>
	ETA Case No.:	C-11122-29187

*Employers*

Certifying Officer: William L. Carlson  
Chicago Processing Center

**ORDER GRANTING MOTIONS TO CONSOLIDATE AND DISMISS**

The above-captioned matters arise 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. On May 31, 2011, the Employers in the above-captioned matters (“Employers”) each filed a request for a de novo hearing. On June 3, 2011, the Employers filed an unopposed motion to consolidate their appeals. It has been determined that “the same or substantially similar evidence is relevant and material to the matters at issue.”<sup>1</sup> Accordingly, the parties’ Joint Motion to Consolidate is hereby GRANTED.

BALCA did not schedule a hearing in this matter because the parties indicated they were likely to reach a settlement. On June 16, 2011, the Employers informed BALCA that the

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<sup>1</sup> 29 C.F.R. § 18.11 governs consolidation of matters before the Office of Administrative Law Judges. Section 18.11 permits consolidation of hearings if “the same or substantially similar evidence is relevant and material to the matters at issue.” In consolidated cases, the regulations permit either a separate or a joint decision. *Id.*

Certifying Officer (“CO”) had agreed to a stipulated order of dismissal with the following language:

Based on the Certifying Officer’s determination that the amended language regarding contract impossibility provided in the modified applications comply with the pertinent regulations and the Certifying Officer’s agreement to accept the applications for processing.

Based on the above stipulation, the Employers requested dismissal of the above-captioned appeals. By telephone on June 22, 2011, counsel for the CO, Stephen Jones, confirmed that the CO had in fact agreed to the stipulated language cited above. In light of the foregoing, it is hereby ORDERED that these matters are DISMISSED.

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LINDA S. CHAPMAN  
Administrative Law Judge