

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 08 March 2011**

Case No.: **2011-TLC-00249**

ETA Case No: C-11020-26878

In the Matter of:

**L & L JONES FARMS.,**  
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 7, 2011 request for review by L & L Jones Farms, through their agent P.L.U.T.O., Inc., regarding the Department of Labor's denial of their application for temporary labor certification for three agricultural workers. *See* 20 C.F.R. §655.164.

By email of February 25, 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) could be partially 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.

By email of February 28, 2011, Mr. Costantino further advised that he had contacted the employer/agent in the instant case, and they had no objection to dismissing the appeal as moot. A copy of that email was provided to the applicant. Inasmuch as the parties agree that 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.

