

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 March 2011

Case No.: **2011-TLC-00310**

ETA Case No: C-11010-26413

In the Matter of:

VAN ZANDT SUPPLY, LLP,
Employer.

ORDER OF REMAND

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 1, 2011 request for de novo review by Van Zandt Supply, LLP, through their counsel, regarding the Department of Labor's denial of their application for temporary labor certification for agricultural workers. *See* 20 C.F.R. §655.164. The administrative file was received by the Office of Administrative Law Judges on February 28, 2011.

A telephone conference, transcribed by a court reported, was held between counsel for the parties and the undersigned on March 8, 2011. At that time, I denied two preliminary motions filed by the Employer (a motion for summary reversal and a motion to expedite) and tentatively indicated that the hearing in this matter would be held by telephone on March 10, 2011, unless the parties advised me that they had reached a resolution prior to that time.

By email of March 9, 2011, Vincent C. Costantino, Esq., Office of the Solicitor, advised that the Certifying Officer and the Employer had discussed the matters in this case and determined that it could be remanded to the Certifying Officer for further processing of this application. He further advised that the Employer's counsel had been sent a copy of the e-mail and had no objection to this request. By an e-mail of the same date, counsel for Employer, Wendel Hall, Esq., advised that the Employer concurred. Inasmuch as the parties agree that this matter should be remanded to the CO for further processing, it will be remanded. Accordingly,

ORDER

IT IS HEREBY ORDERED that this matter is **REMANDED** to the Certifying Officer for further processing.

A

PAMELA J. LAKES
Administrative Law Judge

Washington, D.C.