

**U.S. Department of Labor**

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**Issue Date: 24 April 2014**

**OALJ Case No.: 2014-TLC-00082**  
**ETA Case No.: H-300-13337-320612**

*In the Matter of*

**DEVIN KIESCHNICK,**  
*Employer*

Certifying Officer: Chicago Processing Center

**ORDER OF REMAND**

This proceeding 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 the associated regulations promulgated by the United States Department of Labor at 20 C.F.R. Part 655.

The H-2A nonimmigrant visa program enables United States agricultural employers to employ foreign workers on a temporary basis to perform agricultural labor or services. 8 U.S.C. § 1101(a)(15)(H)(ii)(a); *see also* 8 U.S.C. §§ 1184(c)(1) and 1188. Employers who seek to hire foreign workers through this program must first apply for and receive a “labor certification” from the Department. 8 U.S.C. 1188(a)(1); 8 C.F.R. § 214.2 (h)(5)(A).

On March 28, 2014 Devin Kieschnick (“the Employer”) requested expedited administrative review of the denial of his application for an H-2A labor certification. On April 22, 2014 the United States Department of Labor, Office of the Solicitor (“the Solicitor”) submitted a Certifying Officer’s Motion for Remand. The Solicitor indicated that the Certifying Officer and her attorney have reviewed the case and have determined that the Employer’s H-2A application for temporary labor certification should be remanded to the agency for certification. Accordingly, the Solicitor requests that this case be remanded to the agency for further processing of the Employer’s H-2A application.

**ORDER**

In light of the foregoing discussion, it is hereby **ORDERED** that this matter is remanded to the Certifying Officer for further processing of the Employer's H-2A application.

**DANIEL F. SOLOMON  
ADMINISTRATIVE LAW JUDGE**

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