

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 February 2014

OALJ Case No: 2014-TLC-00042
ETA Case No: H-300-13350-364628

In the Matter of:
KNOTT FARM, INC.,
Employer

Certifying Officer: William L. Carlson
Chicago Processing Center

ORDER OF REMAND

This case involves the labor certification for temporary and seasonal agricultural employment of nonimmigrant foreign workers (H-2A workers) under the Immigration and Nationality Act (INA), as amended, 8 USC 1101, et seq., and its implementing regulations at 20 CFR Part 655, Subpart B. The Employer filed a timely request for an administrative review of the Certifying Officer's actions in the Notice of Deficiencies issued January 14, 2014, pursuant to 20 CFR §655.141 and as related to the Employers' respective application for temporary employment certification filed under the H-2A program.

On February 4, 2014, counsel for the Solicitor filed "Certifying Officer's Motion for Remand" in which he averred "The Certifying Officer and her attorney have reviewed the above referenced case and have determined that the employer's H-2A application for temporary labor certification should be remanded to the agency for processing. The employer was contacted and has no objection to the granting of this request. Therefore, the Certifying Officer respectfully requests that this case be remanded to the agency for further processing of the employer's H-2A application."

In view of all the foregoing, **this case is hereby REMANDED to the Certifying Officer pursuant to 20 CFR §655.171 for action pursuant to 20 CFR Part 655, Subpart B.**

ALAN L. BERGSTROM
Administrative Law Judge