

U.S. Department of Labor

Office of Administrative Law Judges
5100 Village Walk, Suite 200
Covington, LA 70433



(985) 809-5173
(985) 893-7351 (Fax)

Issue Date: 05 December 2013

OALJ Case No.: 2014-TLC-00003

ETA Case No.: H-300-13252-674215

In the Matter of:

Solimar EE, LLC,
Employer

Certifying Officer: William L. Carlson
Chicago Processing Center

Before: **LEE J. ROMERO, JR.**
Administrative Law Judge

ORDER OF REMAND
FOR
CONTINUED PROCESSING

This matter arises under the temporary agricultural labor provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a) and 1184(c)(1), and the implementing regulations at 20 C.F.R. Part 655, Subpart B. On November 6, 2013, the Certifying Officer (“CO”) issued a Notice of Partial Certification to Solimar EE, LLC (“the Employer”), finding that one able, willing, available and qualified domestic worker was identified as being unlawfully rejected for the job offer in violation of 20 C.F.R. § 655.165. The Employer appealed the Partial Certification to the Office of Administrative Law Judges (“OALJ” or “Office”) on November 13, 2013 and requested administrative review pursuant to 20 C.F.R. § 655.171(a). Subsequently, on December 3, 2013, counsel for the CO notified this Office that the CO reviewed the case and determined that the employer’s H-2A application for temporary labor

certification should be remanded to the agency for the issuance of a full certification of the Employer's application. Therefore, the Solicitor requested that the matter be remanded to the Certifying Officer for further processing. Opposing Counsel has no objection to the instant request.

Based on the foregoing, it is hereby **ORDERED** that this matter be **REMANDED** to the CO for further processing.

Lee J. Romero, Jr.
Administrative Law Judge