

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: 14 February 2014

**OALJ Case Nos.: 2014-TLC-00043
2014-TLC-00044**

**ETA Case Nos.: H-300-14014-131363
H-300-14022-644257**

In the Matters of:

**Whitman Ranch, Inc.
KTM Farms, LLC**
Employers

Certifying Officer: William L. Carlson
Chicago Processing Center

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

ORDER OF REMAND
FOR
CONTINUED PROCESSING

These matters arise 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 January 21, 2014, the Certifying Officer (“CO”) issued a Notice of Deficiency to KTM Farms, LLC, and on January 28, 2014, the CO issued a Notice of Deficiency to Whitman Ranch, Inc. Both Notices of Deficiency found that the Employers failed to offer the prevailing wage as required by 20 C.F.R. § 655.120. The Employers appealed the Notices of Deficiency to the Office of Administrative Law Judges (“OALJ” or “Office”) on January 30, 2014 and requested a *de novo* hearing pursuant to 20 C.F.R. § 655.171(b). Subsequently, on February 11, 2014, counsel for the CO notified this

Office that the CO discussed these cases with the State Workforce Agency and was in the process of withdrawing the wage findings in question. Counsel for the CO noted that these steps would result in these cases being moot because each of them involved only the issue of the prevailing wage. Therefore, the Solicitor requested that these matters be remanded to the Certifying Officer for further processing. Opposing Counsel has no objection to the instant requests.

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

ORDERED this 14th day of February, 2014, at Covington, Louisiana.

Lee J. Romero, Jr.
Administrative Law Judge