

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 21 February 2014

OALJ Case No: 2014-TLC-00041
ETA Case No: H-300-14014-038393

In the Matter of:
WITTEN PRODUCE PATCH,
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 a de novo hearing of the Certifying Officer's actions in the Notice of Deficiencies issued January 21, 2014, pursuant to 20 CFR §655.141 and as related to the Employer's application for temporary employment certification filed under the H-2A program.

On February 21, 2014, counsel for the Solicitor filed notice in which he averred "The Certifying Officer (CO) and the employer have reached agreement on terms under which a modified H-2A application can be accepted for filing. Accordingly, there is no need for further proceedings and the parties request that this case be remanded to the CO."

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

ALB/jcb
Newport News, VA