

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
800 K Street, NW, Suite 400-N  
Washington, DC 20001-8002

(202) 693-7300  
(202) 693-7365 (FAX)



**Issue Date: 26 March 2015**

BALCA Case No.: 2015-TLC-00030

ETA Case No.: H-300-15055-056808

In the Matter of

**BUTTERWORTH FARMS**  
Employer

**DECISION AND ORDER OF REMAND**

The above-captioned 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 review with the Office of Administrative Law Judges of the Certifying Officer's denial of its application for temporary labor certification issued on March 19, 2015.

By e-mail dated March 25, 2015, Department of Labor's Office of the Solicitor as counsel for Certifying Officer filed "Certifying Officer's Motion for Remand" ("CO Remand Motion") which stated the following:

The Certifying Officer and her attorney have reviewed the above referenced case and have determined that the employers' [sic] H-2A application for temporary labor certification should be remanded to the agency for certification. The employer's representative was contacted and has no objection to the granting of this request.

CO Remand Motion at 1.

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

SO ORDERED.

**LYSTRA A. HARRIS**  
Administrative Law Judge