

U.S. Department of Labor

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Issue Date: 13 January 2015

Case No.: 2015-TLC-00012

ETA Case No.: H-300-14332-498640

In the Matter of

H Bar H Farms

Employer

ADDENDUM TO DECISION AND ORDER

This proceeding arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the associated regulations promulgated by the United States Department of Labor (the “DOL”) at 20 C.F.R. Part 655, Subpart B. The Employer timely filed a request for expedited administrative review of the Certifying Officer’s denial of temporary labor certification.

On December 31, 2014, I issued a Decision and Order (D&O) affirming the Certifying Officer’s (CO’s) decision denying the above-captioned H-2A temporary labor certification. Case No. 2015-TLC-00012. My Decision and Order was based on the written record before me at that time; I listed the documents that I considered. D&O at 1 n. 1.

It has since come to my attention that my Decision and Order was premature, in that I issued it before I received the complete Administrative File. The Administrative File was sent to me via e-mail on January 5, 2015. I have reviewed the entire Administrative File. Notably, all of the materials that the Employer submitted in response to the CO’s December 4, 2014 Notice of Deficiency were contained in the written record that I considered before issuing my D&O on December 31, 2014. Additionally, all of the materials that the Employer submitted in its appeal of the Certifying Official’s Final Determination letter dated December 18, 2014 were also contained in the written record that I had previously considered. Accordingly, I find that my prior D&O adequately considered the issues the Employer raised in its request for expedited administrative review.

On review of the entire Administrative File, I reaffirm my earlier determination.

ORDER

In light of the foregoing discussion, it is hereby ORDERED that the Certifying Officer's decision denying the above-captioned H-2A temporary labor certification matter is AFFIRMED.

SO ORDERED.

ADELE H. ODEGARD
Administrative Law Judge

Cherry Hill, New Jersey