

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 October 2015

OALJ Case No: 2016-TLC-00002
ETA Case No: H-300-14363-457102

In the Matter of:
BIG F COMPANY, INC.,
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 an administrative review of the Certifying Officer's actions in the "Denial of Extension Big F Company, Inc." issued October 1, 2015, pursuant to 20 CFR §655.141, and as related to the Employer's application for a three month extension of the ending date for 14 Agricultural Field Workers temporary employment certification filed under the H-2A program and approved on January 23, 2015.

On October 16, 2015, counsel for the Solicitor filed "Certifying Officer's Motion for Remand" in which he averred "The Certifying Officer and his attorney have reviewed the above referenced case and have determined that the employer's request for an extension of his H-2A application for labor certification should be granted and should be remanded to the agency for approval. The employer's agent was contacted and has no objection to the granting of this request. Therefore, the Certifying Officer respectfully requests that this case be remanded to the agency for further processing of the employer's H-2A application extension."

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