



Issue Date: 25 March 2016

OALJ CASE NO.: 2016-TLC-00031

ETA CASE NO.: H-300-16011-503509

In the Matter of:

LINCOLN COUNTY FEEDYARD, LLC,
Employer.

ORDER OF REMAND

This proceeding arises from Employer's appeal of the March 10, 2016 Denial of Application for Temporary Labor Certification for H-2A Nonimmigrant Agricultural Workers pursuant to 8 U.S.C. 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1184(a) and (c); 8 U.S.C. 1188 and 20 C.F.R. Part 655, Subpart B (2014).

The matter was assigned to me on March 18, 2016, the administrative file was posted on March 22, 2016, and a teleconference with the parties was held on March 24, 2016 to clarify the appellate procedure requested by Employer and to set deadlines. During the teleconference the parties indicated their preference to have the matter remanded to the Certifying Officer (CO) for consideration of additional evidence supporting Employer's assertion that their need is "temporary" as defined by the statute. To that end, the parties have submitted a written Stipulated Request for Remand for Reconsideration.

In light of the parties' stipulation and being otherwise apprised in the premises, it is ORDERED that:

1. The matter be remanded to the CO for reconsideration of the issues in light of additional evidence;

2. The CO issue a written decision reflecting reconsideration of the Application in light of the additional evidence submitted; and
3. The CO's written decision include notice to Employer of its rights to appeal as provided by 20 C.F.R. § 655.164(b).

SO ORDERED.

WILLIAM J. KING
Administrative Law Judge