

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 08 May 2017**

**BALCA Case No.: 2017-TLC-00016**  
**ETA Case No.: H-300-17067-626315**

*In the Matter of:*

**BENEDICT'S PRODUCE & LITTLE MOUNTAIN PRODUCE,**  
*Employer*

Chicago National Processing Center

**ORDER OF REMAND**

On May 2, 2017, Benedict's Produce & Little Mountain Produce ("the Employer") filed a request for Expedited Administrative Review in the above-captioned temporary alien labor certification matter. On May 4, 2017, the Office of Administrative Law Judges received the Administrative File from the Certifying Officer ("the CO"). On May 5, 2017, a *Notice of Assignment and Scheduling Order* issued which allowed the parties to submit briefs by 12:00 p.m. on May 9, 2017.

On May 8, 2017, counsel for the CO filed a Motion for Remand. The Motion stated that the CO and his counsel had reviewed this case and determined that the Employer's H-2A application for temporary labor certification should be remanded to the agency for additional processing. The Motion represented that Employer does not object to the remand request.

The applicable federal regulation allows for "remand to the CO for further action." 20 C.F.R. § 655.171. Upon review of the file and consideration of the matters therein, and in light of the parties' agreement that remand to the CO for further processing is appropriate, the Motion will be granted.

THEREFORE, the Certifying Officer's Motion for Remand is **GRANTED**, and this matter is **REMANDED** to the CO for further action.

**SO ORDERED.**

**MONICA MARKLEY**  
Administrative Law Judge

Newport News, VA