



Issue Date: 16 December 2016

OALJ Case No.: 2017-TLC-00009
ETA Case No.: H-300-16306-167555

In the Matter of:

JOSE M. GRACIA HARVESTING, INC.,

Employer.

Certifying Officer: John Rotterman
Chicago National Processing Center

Before: John P. Sellers, III
Administrative Law Judge

ORDER REMANDING CLAIM

Jose M. Gracia (“the Employer”) requested a de novo hearing regarding the Certifying Officer’s decision in the above-captioned H-2A temporary alien labor certification matter.¹ On December 12, 2016, this matter was assigned to Administrative Law Judge John P. Sellers, III for hearing and decision. This Office received the Administrative File from the Certifying Officer on December 13, 2016.

The parties participated in a telephone conference on December 13, 2016. During the telephone conference, the parties stated that they would confer with each other to attempt to resolve the contested issues in this claim and, thereafter, provide a status report to the undersigned during a second telephone conference on December 15, 2016.

During the telephone conference on December 15, 2016, the parties informed the undersigned that they had come to an agreement and they jointly requested that this claim be remanded to the Certifying Officer for additional processing. Thereafter, on December 15, 2016, counsel for the Certifying Officer (the “Solicitor”) filed a motion requesting that this case be remanded to the Certifying Officer for continued processing. The Solicitor stated that the Employer agreed to modify its Application for Temporary Labor Certification (“Application”) and job order to remove the three-month experience requirement. Moreover, the Solicitor stated that the Employer agreed to remove melons from the listed job duties and modify its Application and job order accordingly.

¹ See 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c)(1), and the implementing regulations promulgated at 20 C.F.R. Part 655.

In light of the agreement reached by the parties, it is hereby **ORDERED** that this matter is **REMANDED** to the Certifying Officer for additional processing.

JOHN P. SELLERS, III
Administrative Law Judge