

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 31 August 2017

BALCA Case No.: 2017-TLC-00026
ETA Case Nos.: H-300-17208-625854

In the Matter of:

DIXIE BELLE, INC.
Employer

Appearances:

Certifying Officer
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
Chicago, Illinois

Michael Todd Lalich
For the Employer
Charleston, South Carolina

Leticia Sierra, Esq. and Jeffrey L. Nesvet, Esq.
For the Solicitor
Washington, D.C.

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. On August 22, 2017, the Employer filed a timely request for an expedited administrative review of the Certifying Officer's denial in the Notice of Deficiencies issued August 16, 2017 pursuant to 20 CFR §655.141 and as related to the Employer's application for temporary employment certification filed under the H-2A program (Case No. 2017-TLC-00026).

On August 31, 2017, Counsel for the Solicitor filed "Certifying Officer's Motion for Remand" regarding 2017-TLC-00026. She stated, "The Certifying Officer and the Employer have reached an agreement in the above-referenced case and have determined that the Employer's application for H-2A temporary labor certification should be remanded to the agency for additional processing."

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.**

SO ORDERED.

DANA ROSEN
Administrative Law Judge

DR/CAN/mjw
Newport News, VA