

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 June 2017

BALCA CASE NO.: 2017-TLC-00019

ETA CASE NO.: H-300-17115-118586

In the Matter of:

EFREN SUAREZ GARCIA
DBA SUAREZ ORCHARD,
Employer.

ORDER REMANDING CASE

On June 6, 2017, the Certifying Officer for the Office of Foreign Labor Certification denied the H-2A application for temporary labor certification of Efren Suarez Garcia DBA Suarez Orchard (hereafter "Employer") because the H-2A application sought five temporary workers, but a recruitment report submitted by Employer stated that it had hired five U.S. workers. On June 15, 2017, Employer timely filed a request for a de novo hearing pursuant to 20 C.F.R. § 655.171. I held a conference call with the parties on June 22, and issued an order setting the matter for hearing on June 27, 2017.

On June 23, 2017, C. Cleveland Fairchild, attorney the Certifying Officer filed an unopposed Motion to Remand the matter for a determination based upon the nonavailability of U.S. workers in accordance with 20 C.F.R. § 655.166. Employer's representative had no objection to remand.

Therefore, based upon the request, the matter is remanded to the Employment and Training Administration for further processing of the Employer's H-2A application. All dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge

San Francisco, CA