

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 05 June 2019

BALCA Case No.: 2019-TLC-00054
ETA Case No.: H-300-19088-672597

In the Matter of:

HCH GREEN HOUSE SERVICES, LLC.

Employer.

Appearance: Rose E. Richardson
Anthony, Florida
For the Employer

Office of the Solicitor
U.S. Department of Labor
Washington, D.C.
For the Certifying Officer

DECISION AND ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1188 and its implementing regulations at 20 C.F.R. Part 655, Subpart B. The temporary alien agricultural labor certification (“H-2A”) program permits employers to hire foreign workers to perform agricultural work within the United States on a temporary basis.

On May 21, 2019, our office docketed this case based on the fact that the Employer mailed us an administrative record. Pursuant to 20 C.F.R. § 655.171, “employers may request an administrative review or de novo hearing from an [Administrative Law Judge] of a decision by the [Certifying Officer].” Also, pursuant to 20 C.F.R. § 655.164, an employer must file “a *written request* to the Chief [Administrative Law Judge] . . . and simultaneously serve a copy on the [Certifying Officer].” *Id.* (emphasis added).

While this office received the submitted administrative record, no request for review was included. As a result, I did not know if the Certifying Officer was simultaneously served as required, and I did not know the basis for the Employer’s appeal. I subsequently issued an Order to Show Cause on May 22, 2019, directing the Employer to show cause, within 5 calendar days

from the date of issuance of the Order to Show Cause, why I should not dismiss this matter for failure to make a written request as required by the regulations, or for failure to simultaneously serve its request to the Certifying Officer at the Chicago National Processing Center.

As of June 4, 2019, the Employer has not filed a response to the Order to Show Cause.. Therefore, **IT IS ORDERED** that this matter is **DISMISSED**.

SO ORDERED.

PAUL R. ALMANZA
Associate Chief Administrative Law Judge