

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 August 2019

OALJ Case No.: 2019-TLC-00071
ETA Case No.: H-300-19158-338090

In the Matter of:

NISBET OYSTER CO., INC.,
Employer.

Appearance: Leon R. Sequeira, Esquire
11205 Highway 329
Prospect, KY 40059
For the Employer

Matthew Bernt, Associate Solicitor for Employment and Training Legal
Services and Micole Allekotte, Esquire
Office of the Solicitor
U.S. Department of Labor
Washington, D.C.
For the Certifying Officer

Before: Sean M. Ramaley
Administrative Law Judge

ORDER OF REMAND

On August 1, 2019, the above named Employer requested a *de novo* hearing on the Certifying Officer's decision in the above captioned H-2A temporary labor certification matter. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1188; 20 C.F.R. § 655.171(b). A hearing was scheduled for Friday, August 30, 2019, before the undersigned Administrative Law Judge.

On August 29, 2019, the undersigned received the Certifying Officer's Motion for Remand, requesting that this case be remanded for further processing. The motion states that "[t]he Certifying Officer and the Attorney for the Employer have reached an agreement in the above-referenced case and have determined that the Employer's H-2A application for temporary labor certification should be remanded to the Agency for additional processing." It further states that Employer consents to the motion to remand.

After duly considering the foregoing, it is hereby **ORDERED** that this matter is **REMANDED** to the Certifying Officer for further processing, and the August 30, 2019 hearing is **CANCELLED**.

SO ORDERED.

SEAN M. RAMALEY
Administrative Law Judge