

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 28 June 2019

Case No.: 2019-TLC-00058
ETA Case No. H-300-19141-532014

In the Matter of:

R & R HARVESTING, INC.,
Employer.

ORDER OF REMAND

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.

On May 22, 2019, the United States Department of Labor, Employment and Training Administration, received for filing an ETA Form 9142A Application for Temporary Labor Certification from R & R Harvesting, Inc. (Employer) requesting authorization for 60 “Farmworkers” and “Laborers” to perform work from July 4, 2019 to August 20, 2019.

On May 29, 2019, the Certifying Officer (CO) issued a Notice of Deficiency (NOD) because Employer did not timely submit its application and failed to establish an emergency situation warranting good and substantial cause for a filing extension as required by 20 C.F.R. § 655.134(a) and (b). On June 5, 2019, Employer requested administrative review of the CO’s denial of certification. The CO transmitted the Appeal File on June 24, 2019. On June 24, 2019, the undersigned issued a Notice of Case Assignment and Order Establishing Brief Filing Deadlines.

On June 27, 2019, the CO filed an unopposed Motion for Remand stating the “Certifying Officer has determined that the Employer’s H-2A application for temporary labor certification should be remanded to the agency for additional processing.”

Accordingly, this matter is REMANDED to the Certifying Officer for further processing of Employer's H-2A application.

SO ORDERED.

TRACY A. DALY
Administrative Law Judge