

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 24 January 2019

BALCA Case No.: 2019-TLC-00018
ETA Case No.: H-300-18347-131271

In the Matter of:

MCCLAIN FARMS,
Employer

Chicago National Processing Center

**ORDER OF REMAND
AND ORDER CANCELLING HEARING**

This matter arises on Employer's request for an appeal of a Notice of Deficiency (NOD) issued by the Certifying Officer (CO) in regard to its H-2A application for temporary labor certification. Employer requested a *de novo* hearing pursuant to 20 C.F.R. § 655.171(b). After one extension, the formal hearing is currently scheduled to commence at 10:00 a.m. on January 31, 2019, in Newport News, Virginia.

On January 23, 2019, the CO filed a Motion for Remand. The motion states that the CO and the Employer have reached an agreement and have determined that Employer's H-2A application for temporary labor certification should be remanded to the agency for additional processing. Accordingly, the CO requests remand of this case to the agency for further processing of Employer's application. Employer does not object to the request for remand.

Upon review of the file and consideration of the foregoing, and in light of the parties' agreement that remand to the CO is appropriate, the Motion will be granted.

ORDER

IT IS HEREBY ORDERED that:

1. The Certifying Officer's Motion for Remand is **GRANTED**.
2. The hearing scheduled to commence at 10:00 a.m. on January 31, 2019, in Newport News, Virginia, is **CANCELLED**.
3. This matter is **REMANDED** to the CO for further action.

SO ORDERED.

MONICA MARKLEY
Administrative Law Judge

MM/jcb
Newport News, VA