



Issue Date: 10 February 2020

BALCA Case Nos.: 2020-TLC-00020

ETA Case Nos.: H-300-19294-097821

In the Matter of:

LAMAR FARMS,

Employer

ORDER GRANTING EMPLOYER’S MOTION TO DISMISS

On December 2, 2019, Lamar Farms (“Employer”) requested a *de novo* hearing on the Certifying Officer’s Denial of Certification 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). This case was assigned to the undersigned hearing and decision.

The undersigned received the administrative file on January 8, 2020.¹ That same day, the Tribunal issued a Notice of Hearing setting this matter for January 14, 2020. On January 13, 2020, Employer filed an Unopposed Motion for Continuance noting the 36 day delay by the Certifying Officer in transmitting the administrative file to BALCA and the employer. On January 17, 2020, the Tribunal granted Employer’s motion rescheduling the hearing for February 10, 2020.

On February 7, 2020, Employer filed a Motion to Dismiss Appeal. Employer states that, given the Certifying Officer’s dilatory tactics, it is “more efficient and cost effective to simply refile a labor certification application with a new start date” than to continue pursuing its appeal. Employer therefore moves to dismiss its appeal.

The Tribunal seems no reason not to grant Employer’s request. According, the hearing in this matter is **CANCELLED** and this matter is **DISMISSED**.

¹ Pursuant to 20 C.F.R. § 655.171(b)(1)(ii), “[t]he ALJ will ensure that the hearing is scheduled to take place within 5 business days after the ALJ’s receipt of the ... administrative file, if the employer so requests”

SO ORDERED.

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey