U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 11 June 2020

OALJ Case No.: 2020-TLC-00073
ETA Case No.: H-300-20122-536518

In the Matter of:

WP Orchard, LLC and Coyote Orchard, LLC
Employers

REMAND ORDER

The above-captioned case arises from the request of WP Orchard, LLC and Coyote Orchard, LLC (Employers) for review of the Certifying Officer's ("CO") decision to deny its petition for a higher meal charge as part of an application for temporary alien labor certification under the H-2A non-immigrant program. The H-2A non-immigrant visa program enables United States agricultural employees to employ foreign workers on a temporary basis to perform agricultural labor or services. 8 U.S.C. § 1101(a)(15)(H)(ii)(a); *see also* 8 U.S.C. §§ 1184(c)(1), 1188.

On May 27, 2020, the Board received a letter from Employers' counsel requesting a *de novo* hearing regarding the Certifying Officer's decision in the above-captioned H-2A temporary alien labor certification matter. *See* 20 C.F.R. § 655.171(b). During status conference call held on June 2, 2020, counsel for the CO indicated that the CO would now grant the higher meal charge petition at issue.

On June 3, 2020, via email, the "Certifying Officer's Motion To Remand" was received, noting that Employers and the CO (1) have reached an agreement in the case and (2) determined the petition for a higher meal charge at issue should be remanded to the agency for further processing under 20 C.F.R. § 655.171 . The CO's Motion To Remand indicates that Employers do not oppose it.

Upon due consideration, the CO's Motion To Remand is **GRANTED** and this matter is **REMANDED** to the CO for further processing.

SO ORDERED.

For the Board:

LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey