



Issue Date: 10 January 2020

OALJ Case No.: 2020-TLC-00029
ETA Case No.: H-300-19326-163803

In the Matter of:

LINER SOURCE, INC.,
Employer.

**NOTICE OF DOCKETING AND ORDER GRANTING EMPLOYER'S REQUEST TO
WITHDRAW APPEAL**

On December 20, 2019, the above named Employer requested expedited administrative review of the Certifying Officer's ("CO") December 18, 2019 Notice of Deficiency 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 has been assigned to Administrative Law Judge Patricia J. Daum for decision.

Despite the passage of three weeks since the Employer's request for expedited administrative review, the undersigned has not yet received the administrative file in this matter. On January 7, 2020, the Office of Administrative Law Judges received Employer's "request that its "Request for Expedited Administrative Review be withdrawn." As a basis for the request, the Employer stated "the practical considerations on timeliness have convinced the Employer that the most expedient resolution is to simply respond to the CO and furnish the documents requested." In the transmitting cover email communication, the Employer specifically identified ongoing delays with the appeal as the motivating factor in its decision to withdraw the appeal and instead try to cure the perceived defects in its application by responding to the NOD.

ORDER

After duly considering the foregoing, it is hereby **ORDERED** that Employer's request that its appeal of the CO's Notice of Deficiency be withdrawn is **GRANTED**, and this matter is **REMANDED** to the Certifying Officer for further processing. Given the expedited nature of these

proceedings, unless otherwise directed by the Certifying Officer, the Employer must submit its responses to the NOD within five days of the date of the Order.

PATRICIA J. DAUM
Administrative Law Judge