

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 15 May 2020 OALJ Case No.: 2020-TLC-00068

ETA Case No.: H-300-20100-472114

In the Matter of:

FARM LABOR ASSOCIATION FOR GROWERS, INC.,
Employer.

Certifying Officer: Lynette Wills
Chicago National Processing Center

Appearances: Christopher J. Schulte, Esq.
CJ Lake, LLC
For the Employer

Matthew D. Gordon, Esq.
Rebecca A. Nielsen, Esq.
Sarah M. Tunney, Esq.
Office of the Solicitor
For the Certifying Officer

Before: Peter B. Silvain, Jr.
Administrative Law Judge

ORDER OF DISMISSAL

Pursuant to 20 C.F.R. § 655.171, Farm Labor Association for Growers, Inc., (“Employer”) requested a de novo hearing regarding the Certifying Officer’s decision in the above-captioned H-2A temporary alien labor certification matter. On May 7, 2020, this case was assigned Administrative Law Judge Peter B. Silvain, Jr. for hearing and decision. This Office received the Administrative File from the Certifying Officer on May 11, 2020. That same day, I issued a Pre-Hearing Order scheduling this case for hearing on Friday, May 15, 2020, at 9:30 a.m. E.S.T., unless the Employer waived the time restraint set forth in 20 C.F.R. § 655.171(b)(1)(ii). On May 12, 2020, the Employer, through counsel, submitted a Waiver of the Time Restraint and Consent Motion to Adjourn Hearing, waiving the time restraint and requesting that the hearing be scheduled for a later date. By Order dated May 12, 2020, I granted the Employer’s Motion and gave the Employer until June 11, 2020 to inform the Court how it would like to proceed with this case.

On May 14, 2020, the Employer filed an Unopposed Motion to Withdraw Appeal, stating that its second H-2A temporary alien labor application was certified, “rendering this appeal

moot.” The Employer indicated that counsel for the Certifying Officer “does not oppose the relief sought.”

In light of the Employer’s latest Motion withdrawing its appeal, it is hereby **ORDERED** that this matter be, and hereby is, **DISMISSED**.

SO ORDERED.

PETER B. SILVAIN, JR.
Administrative Law Judge