

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 March 2020

BALCA Case No.: 2020-TLC-00047

ETA Case No.: H-300-20031-291177

In the Matter of:

DEL VALLE FRESH, INC.,
Employer.

NOTICE OF DOCKETING AND
ORDER OF REMAND

This matter arises under the H-2A temporary agricultural employment provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii) and 1184(c)(1), and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B. The H-2A visa program permits employers to hire foreign workers to perform temporary agricultural work within the United States on a one-time occurrence, seasonal, peak load, or intermittent basis.

On March 10, 2020, Employer's agent submitted a letter to the Office of Administrative Law Judges in the above captioned case advising that it "has replaced prior Farm Lease and MOU with updated Farm Leases to show that the Company is the farmer as a means to resolve the issue of whether its job order meets eligibility requirements for the H-2A certification" and requests "the case . . . be immediately remanded for further processing by the Certifying Officer." At my request, a member of my staff contacted counsel for the Certifying Officer, who advised that the Solicitor's office consents to the remand request. Good cause having been shown, the request is GRANTED.

IT IS HEREBY ORDERED that this matter be, and hereby is, REMANDED to the Certifying Officer for further processing consistent with the above discussion.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge