OALJ Case No.: 2021-TLC-00131
ETA Case No: H-300-21048-080920

In the Matter of:

VIRGINIA AVELLANEDA,
Employer.

ORDER OF REMAND

On March 30, 2021, Virginia Avellaneda (“Employer”), requested “de novo administrative review” of the Certifying Officer’s March 23, 2021 Final Determination Denial in the above-captioned H-2A temporary labor certification matter. This matter was assigned to the undersigned Administrative Law Judge for hearing and decision. The Appeal File in the above captioned H-2A temporary labor certification matter was received on April 8, 2021.

A conference call with the parties was held on April 9, 2021, at which time Employer confirmed that its appeal was a request for “de novo hearing” under 20 C.F.R. §655.171(b). By Order dated April 9, 2021, a hearing was scheduled for April 14, 2021.

On April 13, 2021, the undersigned received by email communication through OALJ-Pittsburgh@dol.gov, the Certifying Officer’s Motion for Remand requesting that this case be remanded for further processing. The Certifying Officer states that “[t]he Certifying Officer and Virginia Avellaneda ("the Employer") have reached agreement in the above-referenced case and have determined that the Employer’s H-2A application for temporary labor certification should be remanded to the Agency for further processing.” Said Motion for Remand further states that the Employer consents to the granting of this motion and also requests that the April 14, 2021 hearing be cancelled.

ORDER

After duly considering the foregoing, it is hereby ORDERED that this matter is REMANDED to the Certifying Officer for further processing. The hearing scheduled for April 14, 2021 is CANCELLED.

For the Board of Alien Labor Certification Appeals:
PATRICIA J. DAUM
Administrative Law Judge