

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 10 February 2021

OALJ Case No.: 2021-TLC-00065
ETA Case No.: H-300-20353-970077

In the Matter of:

MEADOWVALE DAIRY, LLC,
Employer.

Before: Jonathan C. Calianos
Administrative Law Judge

DECISION AND ORDER REVERSING CERTIFYING OFFICER'S FINAL DETERMINATION AND REMANDING

This matter arises under provisions of the Immigration and Nationality Act governing temporary agricultural employment of non-immigrant workers ("H-2A workers"), and the corresponding regulations at 20 C.F.R. Part 655, Subpart B. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184, 1188. On January 27, 2021, I held an initial conference on the record regarding Employer's request for a de novo hearing of the Final Determination issued by the Certifying Officer. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1188; 20 C.F.R. § 655.171(b). The de novo hearing was held on February 9, 2021. After the hearing, I rendered a Bench Decision on the record reversing the Certifying Officer's denial of the application and remanding the matter for further processing of the application. The purpose of this order is to memorialize my Bench Decision of February 9, 2021.

For the reasons stated on the record at the close of the February 9, 2021, hearing, which are adopted and incorporated herein by reference, and the written transcript thereof shall constitute

my written findings of fact and conclusion of law in this matter, the following order shall enter. It is **ORDERED** that:

- (1) The Certifying Officer's Final Determination denying Employer's H-2A Application is **REVERSED**; and
- (2) This matter is **REMANDED** to the Certifying Officer for further action consistent with my Bench Decision.

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts