

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 28 October 2020

BALCA Case Nos.: 2021-TLC-00004; 2021-TLC-00005; 2021-TLC-00011
ETA Case Nos.: H-300-20239-787841; H-300-20248-805501; H-300-20274-850730

In the Matters of:

OVERLOOK HARVESTING COMPANY, LLC,
Employer.

Before: Jerry R. DeMaio
Administrative Law Judge

**ORDER CONSOLIDATING, REMANDING TWO CASES AND GRANTING
WITHDRAWAL OF THIRD**

The matter before me arises under the temporary agricultural guest worker provisions of the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184 and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B (collectively, “H-2A program”). A telephonic hearing is set for 2021-TLC-00004 and 2021-TLC-00005 for October 29, 2020.

On October 26, 2020, the parties jointly requested consolidation of a third case, 2021-TLC-00011, which is currently assigned to Judge Noran J. Camp. Accordingly, this third case, 2021-TLC-00011 shall be **REASSIGNED** to me and **CONSOLIDATED** with 2021-TLC-00004 and 2021-TLC-00005.

On October 27, 2020, the parties filed two motions. First, the Certifying Officer (“CO”) filed an Unopposed Motion to Remand for Further Processing, requesting 2021-TLC-00004 and 2021-TLC-00011 be remanded. Based on this motion, these two cases are **REMANDED** to the Employment and Training Administration for appropriate action. Second, Employer filed an Unopposed Partial Motion to Withdraw, requesting withdrawal of its request for a de novo hearing in 2021-TLC-00005. Accordingly, Employer’s request to withdraw 2021-TLC-00005 is **GRANTED**.

Based on these rulings, the hearing set for October 29, 2020, is **CANCELLED**.

SO ORDERED.

JERRY R. DeMAIO
Administrative Law Judge

Boston, Massachusetts