



**Issue Date: 05 May 2015**

**BALCA Case No.: 2015-TLN-43**  
ETA Case Nos.: H-400-15028-070076

*In the Matter of:*  
**ISLAND HOLDINGS LLC**  
*Employer.*

Before: Drew A. Swank  
Administrative Law Judge

**ORDER REMANDING CLAIM WITH INSTRUCTIONS TO DISMISS**

On April 16, 2015, the Board of Alien Labor Certification Appeals (BALCA) received a letter from Employer Island Holdings LLC (Employer) requesting administrative review of the Certifying Officer's Final Determination in the above-captioned H-2B temporary labor certification matter. The undersigned was assigned the case on April 22, 2015 and received the Appeal File the next day. On April 24, 2015, the undersigned issued a Notice of Docketing informing the parties that they could file briefs with the undersigned no later than the close of business (4:30 PM EST) on April 30, 2015. In a letter to the undersigned dated April 28, 2015, Veronica Birkenstock of Practical Employee Solutions, acting on behalf of Employer, stated that Employer wished to withdraw its claim in this matter.

Federal regulations state that BALCA must take one of the following actions in resolving TLN claims:

- (1) Affirm the Certifying Officer's denial of temporary labor certification,
- (2) Direct the Certifying Officer to grant temporary labor certification, or
- (3) Remand to the Certifying Officer for further action.

20 C.F.R. § 655.33(e)(1)-(3).

Accordingly, given that representatives of Practical Employee Solutions, acting on behalf of Employer, have stated that Employer wishes to withdraw its application for temporary labor certification, the undersigned hereby remands this matter to the Certifying Officer with instructions to dismiss the claim and close the file.

DREW A. SWANK  
Administrative Law Judge