



**Issue Date: 24 March 2015**

**BALCA Case No.:** 2015-TLN-00032  
**ETA Case No.:** H-400-15014-932103

*In the Matter of:*

**THE BRICKMAN GROUP LTD, LLC**  
*Employer.*

**ORDER OF REMAND**

On February 25, 2015, the Board of Alien Labor Certification Appeals (“BALCA”) received a request for administrative review of the Certifying Officer’s Final Determination in the above-captioned H-2B temporary labor certification matter. On February 26, 2015, the undersigned issued a Notice of Docketing and Expedited Briefing schedule.<sup>1</sup> This Office never received the Appeal File from the Certifying Officer.

On March 6, 2015, counsel for the Certifying Officer notified the undersigned that the sole issue presented in this case has been resolved. Counsel for the Certifying Officer therefore requested that this case be remanded to the Certifying Officer.

In view of the foregoing, and in light of the Acting Chair of BALCA’s March 20, 2015 order lifting the stay in this matter, **IT IS HEREBY ORDERED** that this matter be, and hereby is, **REMANDED** to the Certifying Officer for further processing.

For the Board:

**JOHN P. SELLERS, III**  
Administrative Law Judge

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<sup>1</sup> Shortly after this case was assigned to the undersigned, a series of events prevented the Department of Labor (“DOL”) from processing H-2B labor certification matters. On March 4, 2015, the federal district court for the Northern District of Florida vacated the DOL’s 2008 H-2B regulations, and permanently enjoined the DOL from enforcing them. *See Perez v. Perez*, No. 14-cv-682 (N.D.Fla. Mar. 4, 2015) (2015 U.S. Dist. LEXIS 27606). On March 13, 2015, the Acting Chair of BALCA put the above-captioned matter in abeyance until further notice while the DOL considered its options in light of the district court’s decision in *Perez v. Perez*. On March 19, 2015, the Certifying Officer filed a status report with BALCA stating that the district court granted the Secretary of Labor’s motion requesting a stay of the district court’s injunction order until and including April 15, 2015. On March 20, 2015, the Acting Chair of BALCA issued an order lifting the stay in the above-captioned matter.