



Issue Date: 23 December 2014

BALCA Case No.: 2015-TLN-00006

ETA Case Nos.: H-400-14281-776511

In the Matter of:

CLEAN CUT PINE NEEDLES, LLC

Employer.

Before: DANA ROSEN
Administrative Law Judge

ORDER
DENYING ADMINISTRATIVE REVIEW OF H-2B
TEMPORARY LABOR CERTIFICATION FINAL DETERMINATION

The Board of Alien Labor Certification Appeals (“BALCA”) received a letter dated December 12, 2014, from Michael Todd Lulich, representing Employer Clean Cut Pine Needles, LLC and Low Country Labor Company, requesting administrative review of the Certifying Officer’s Final Determination in the above-captioned H-2B temporary labor certification matter.

The Final Determination was issued on December 1, 2014. Therefore, December 1, 2014, is the date of determination. The applicable regulations regarding administrative review of a Final Determination state that “[i]f a temporary labor certification is denied . . . under § 655.32, the employer may request review of the denial by the BALCA. The request for review . . . [m]ust be sent to the BALCA . . . within 10 calendar days of the date of determination.” 20 C.F.R. § 655.33(a) (*emphasis added*). As noted above, Employer filed its request for review on December 12, 2014, 12 days after the determination. Because Employer failed to file its request for review within 10 calendar days of the December 1, 2014, date of determination, its request cannot be considered.

As noted in the Certifying Officer's Final Determination, if Employer does "not request administrative review in accordance with Departmental regulations at 20 CFR sec. 655.33, the denial will become the final determination of the Department." Therefore, the Certifying Officer's Final Determination denying H-2B temporary labor certification issued on December 1, 2014, is the final determination of the Department of Labor.

SO ORDERED.

For the Board:

DANA ROSEN
Administrative Law Judge

DR/ERH/ard
Newport News, Virginia