

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
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**Issue Date: 16 March 2018**

**BALCA Case No.:** 2018-TLN-00079  
**ETA Case No.:** H-400-17348-727025

*In the Matter of:*

**HARRAH'S LAUGHLIN HOTEL &  
CASINO D/B/A HARRAH'S LAUGHLIN,**  
*Employer*

Before: Scott R. Morris  
Administrative Law Judge

**ORDER OF REMAND**

This matter arises under the temporary non-agricultural employment provisions of the Immigration and Nationality Act ("INA," or "the Act"), 8 U.S.C. § 1101(a)(15)(H)(ii), and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart A. The H-2B program permits employers to hire foreign workers to perform temporary, non-agricultural work within the United States "if unemployed persons capable of performing such service or labor cannot be found in [the United States]." 8 U.S.C. § 1101(a)(15)(H)(ii)(b). Employers who seek to hire foreign workers through the H-2B program must apply for and receive a "labor certification" from the United States Department of Labor ("DOL" or the "Department"), Employment and Training Administration ("ETA"). 8 C.F.R. § 214.2(h)(6)(iii). Following the Certifying Officer's ("CO") denial of an application, an employer may request administrative review by the Board of Alien Labor Certification Appeals ("the Board" or "BALCA"). 20 C.F.R. § 655.61.

On February 28, 2018, Employer filed an appeal of the Certifying Officer's Notice of Denial. *See* Administrative File at 1-5. This Tribunal received assignment of Employer's appeal on March 12, 2018.

However, on March 12, 2018, the Certifying Officer filed an Unopposed Motion to Remand this case to the agency for additional processing. The Certifying Officer attested that Employer's representative had no objection to the granting of this motion. Accordingly, it is hereby **ORDERED** that this matter is **REMANDED**.

SO ORDERED.

For the Board:

**SCOTT R. MORRIS**  
Administrative Law Judge