

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
800 K Street, NW, Suite 400-N  
Washington, DC 20001-8002

(202) 693-7300  
(202) 693-7365 (FAX)

**Issue Date: 08 January 2018**

**BALCA Case No.:** 2018-TLN-00032

**ETA Case No.:** H-400-17299-762201

In the Matter of:

**LOVIN EQUIPMENT AND SALES, INC.,**  
Employer.

Appearance: Christopher J. Schulte, Esquire  
CJ Lake, LLC  
Washington, D.C.  
*For the Employer*

Leslie Abella, Esquire  
Office of the Solicitor  
U.S. Department of Labor  
Washington, D.C.  
*For the Certifying Officer*

Before: THERESA C. TIMLIN  
Administrative Law Judge

**NOTICE OF DISMISSAL**

This matter arises under 20 C.F.R. § 655, Subpart A- Labor Certification Process for Temporary Non-Agricultural Employment in the United States (H-2B Workers).

On December 13, 2017, the Board of Alien Labor Certification Appeals (“BALCA”) received a letter from Lovin Equipment and Sales, Inc. (“the Employer”) requesting administrative review of the Certifying Officer’s Notice of Decision in the above-captioned H-2B temporary labor certification matter. The matter had been assigned to the undersigned and this office issued a Notice of Assignment and Expedited Briefing Schedule on December 28, 2017, advising the parties that they may submit briefs in this matter within seven days of their receipt of the appeal file.

On January 2, 2018, the Employer advised the undersigned of its intent to withdraw its request for administrative review in the above-referenced matter. Pursuant to 20 C.F.R. §

655.62, an employer may withdraw an Application for Temporary Employment Certification after the application has been accepted, but prior to adjudication and must do so in writing.

Because the Employer has submitted its request to withdraw its accepted application in writing and has done so prior to the adjudication of its claim, the undersigned **GRANTS** the Employer's motion to withdraw.

**SO ORDERED.**

For the Board:

**THERESA C. TIMLIN**  
Administrative Law Judge

Cherry Hill, New Jersey