



**Issue Date: 23 March 2018**

**BALCA Case No.: 2018-TLN-00082**  
ETA Case No.: H-400-17345-123526

*In the Matter of:*

**MEDELLIN CONCRETE CHIPPING SERVICES, INC.,**  
*Employer.*

**ORDER OF REMAND**

This matter arises under the temporary non-agricultural employment provisions of the Immigration and Nationality 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 U.S. Department of Labor, Employment and Training Administration. 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 (“BALCA”). 20 C.F.R. § 655.61.

On March 5, 2018, BALCA received notice from Medellin Concrete Chipping Services, Inc., (“Employer”), that it requested administrative review of the CO’s Non-Acceptance Denial in the above-captioned H-2B temporary labor certification matter. BALCA received the Appeal File from the CO on March 13, 2018. On March 21, 2018, the CO filed an unopposed Motion for Remand to the agency for additional processing. The CO attests that Employer’s representative was consulted and has no objection to this motion. Accordingly, it is hereby **ORDERED** that this matter is **REMANDED** for further processing of Employer’s application.

**SO ORDERED.**

**MORRIS D. DAVIS**  
Administrative Law Judge