



**Issue Date: 29 May 2018**

**BALCA Case No:** 2018-TLN-00133  
**ETA Case No.:** H-400-17354-550511

*In the Matter of:*

**OCEAN WEST MOTEL,**

*Employer.*

### **ORDER OF REMAND**

On May 15, 2018, the Board of Alien Labor Certification Appeals (“BALCA”) received a request for administrative review of the Certifying Officer’s (“CO”) Final Determination in the above-captioned H-2B temporary labor certification matter.<sup>1</sup> This matter was assigned to Administrative Law Judge John P. Sellers, III on May 17, 2018. On May 18, 2018, the undersigned issued a Notice of Docketing and Order Setting Briefing Schedule. Thereafter, on May 24, 2018, the undersigned held a conference call with the parties to discuss the issues in this case.

On May 25, 2018, the Acting Associate Solicitor for Employment and Training Legal Services (“Solicitor”) electronically filed a Motion to Remand. The Solicitor explained that the CO and Ocean West Motel (the “Employer”) have reached an agreement in this case. Therefore, the Solicitor requested that BALCA remand this case to the CO for further processing of the Employer’s H-2B Application for Temporary Employment Certification.

In light of the foregoing, this matter is hereby **REMANDED** to the CO for additional processing consistent with the agreement of the parties.

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<sup>1</sup> On April 29, 2015, the Department of Labor (the “Department”) and the Department of Homeland Security jointly published an Interim Final Rule (“IFR”) amending the standards and procedures that govern the H-2B temporary labor certification program. 80 Fed. Reg. 24042 (Apr. 29, 2015). The IFR applies to this case. Moreover, the definition of temporary need is governed by 8 C.F.R. § 214.2(h)(6)(ii)(B). Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Division H, Title I, § 113 (2018).

**SO ORDERED.**

For the Board:

JOHN P. SELLERS, III  
Administrative Law Judge