



Issue Date: 15 November 2017

BALCA Case No.: 2018-TLN-00010

ETA Case No.: H-400-17192-444204

In the Matter of:

PLANT PROCESSING EQUIPMENT, INC.,
Employer

ORDER GRANTING REQUEST
TO WITHDRAW APPEAL

On November 3, 2017, Plant Process Equipment, Inc. (the Employer) filed a request for administrative review with the Board of Alien Labor Certification Appeals (“BALCA”) pursuant to 20 C.F.R. §§ 655.61 and 655.57. The Employer’s requested administrative review of both the Certifying Officer’s (“CO”) denial of certification pursuant to 20 C.F.R. § 655.61 as well as the CO’s failure to respond to Employer’s Request for New Determination within the 72 hour timeframe specified in the regulations at 20 C.F.R. § 655.57.¹

Subsequently, on November 13, 2017, the Employer filed a Motion to Withdraw Request for Administrative Review pursuant to 20 C.F.R. §§ 655.61 and 655.57 via facsimile. Employer’s Motion to Withdraw is hereby construed to encompass a Motion to Withdraw Employer’s appeal based on the denial of certification pursuant to 20 C.F.R. § 655.61 as well as Employer’s appeal based on the CO’s failure to timely respond to Employer’s Request for New Determination pursuant to 20 C.F.R. § 655.57.

¹ The undersigned makes no finding or ruling regarding the propriety of an appeal based upon the CO’s failure to respond to an employer’s request for new determination within the 72 hour timeframe specified in the regulations at 20 C.F.R. § 655.57.

IT IS HEREBY ORDERED that Employer's Request to Withdraw Appeal is **GRANTED**.

ORDERED this 15th day of November 2017 in Covington, Louisiana.

For the Board:

LEE J. ROMERO, JR.
Administrative Law Judge
Covington, LA