

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
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**Issue Date: 19 June 2018**

**BALCA Case No.: 2018-TLN-00136**  
ETA Case No.: H-400-18068-142300

*In the Matter of:*

**ERD CONSTRUCTION, INC.,**  
*Employer*

**ORDER OF DISMISSAL**

This case arises from ERD Construction, Inc.’s (“Employer”) request for review of the Certifying Officer’s (“CO”) decision to deny an application for temporary alien labor certification under the H-2B non-immigrant program. The H-2B program permits employers to hire foreign workers to perform temporary nonagricultural work within the United States on a one-time occurrence, seasonal, peakload, or intermittent basis, as defined by the United States Department of Homeland Security.

On May 24, 2018, the Board of Alien Labor Certification Appeals (“BALCA”) received a request for administrative review of the Certifying Officer’s denial of Employer’s H-2B application for eight Helper of Plasterer workers. On May 29, 2018, the undersigned issued a Notice of Docketing and Expedited Briefing Schedule. However, in a June 9, 2018 email filed with BALCA, Employer seeks to withdraw its application for H-2B temporary labor certification.

In light of Employer’s decision to withdraw its application for temporary labor certification, its request for administrative review of the CO’s denial of the application in this case is rendered moot. Accordingly, it is hereby ORDERED that this matter be, and hereby is, DISMISSED.

**SO ORDERED.**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge