



Issue Date: 09 April 2019

BALCA Case No: 2019-TLN-00091
ETA Case No.: H-400-18134-994213

In the Matter of:

NANTUCKET GOLF MANAGEMENT, INC.,

Employer.

ORDER OF REMAND

On March 19, 2019, 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.¹ This matter was assigned to Administrative Law Judge John P. Sellers, III on March 25, 2019. On April 5, 2019, the undersigned issued a Notice of Docketing and Order Setting Briefing Schedule.

On April 9, 2019, the Acting Associate Solicitor for Employment and Training Legal Services (“Solicitor”) electronically filed a Motion to Remand. The Solicitor explained that the CO and Nantucket Golf Management, Inc. (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.

¹ 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). Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245, Division B, Title I, § 112 (2018).

SO ORDERED.

For the Board:

JOHN P. SELLERS, III
Administrative Law Judge