



**Issue Date: 01 April 2019**

**BALCA Case No.:** 2019-TLN-00093  
**ETA Case No.:** H-400-18233-626153

*In the Matter of:*

**MANUEL LANDSCAPING, LLC,**  
*Employer*

**ORDER GRANTING REQUEST TO WITHDRAW APPEAL**

On March 20, 2019, the Board of Alien Labor Certification Appeals (“BALCA”) received a submission dated March 18, 2019, from Manuel Landscaping, LLC (“Employer”), regarding the Notice of Deficiency issued by the Certifying Officer (“CO”) on March 12, 2019 in regard to Employer’s H-2B application for 12 landscape laborers. As the Employer’s submission was sent to the Office of Administrative Law Judges (“OALJ”), it was deemed a request for review of the CO’s March 12, 2019 Notice of Deficiency, and the matter was assigned to the undersigned.

However, after a review of Employer’s March 12, 2019 submission, it appeared that the Employer may have intended to send its submission to the CO as a response to the March 12, 2019 Notice of Deficiency and inadvertently sent its response to the OALJ. On March 25, 2019, a Notice of Assignment and Order Directing Clarification was issued, seeking clarification as to whether the Employer’s request for review was intended to be submitted to the CO or whether the Employer wished to proceed with administrative review.

On March 26, 2019, the undersigned received Employer’s Motion to Withdraw Request for Administrative Review via email filing to [OALJ-filings@OALJ.gov](mailto:OALJ-filings@OALJ.gov). Employer stated it sent the same submission to both the CO and BALCA on March 20, 2019 in error, and that it wished to withdraw the pending request for review.

Accordingly, it is hereby **ORDERED** that Employer’s Request to Withdraw Appeal is **GRANTED**.

**SO ORDERED.**

For the Board of Alien Labor Certification Appeals:

SEAN M. RAMALEY  
Administrative Law Judge