

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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Issue Date: 15 November 2018

BALCA Case No.: 2019-TLN-00010
ETA Case No.: H-400-18241-598063

In the Matter of:

McLEAN ROBERTSON RACING,

Employer.

Certifying Officer: Chicago National Processing Center

Appearances: William Velie, Esq.
For the Employer

Micolle Allekotte, Esq.
Office of the Solicitor
U.S. Department of Labor
Washington, D.C.
For the Certifying Officer

Before: **CARRIE BLAND**
Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On November 2, 2018, the Board of Alien Labor Certification Appeals (“BALCA”) received a request for administrative review of the Certifying Officer’s Final Determination in the above-captioned H-2B temporary labor certification matter.¹

On November 14, 2018, prior to receipt of the Administrative File, the Office of the Solicitor, on behalf of the Certifying Officer, filed the “Certifying Officer’s Motion for Remand”

¹ On April 29, 2015, the Department of Labor (“DOL”) 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. *See Temporary Non-Agricultural Employment of H-2B Aliens in the United States; Interim Final Rule*, 80 Fed. Reg. 24,042 et seq. (Apr. 29, 2015). The rules provided in the IFR apply to applications “submitted on or after April 29, 2015, and that ha[ve] a start date of need after October 1, 2015.” IFR, 20 C.F.R. § 655.4(e). All citations to 20 C.F.R. Part 655 in this opinion and order are to the IFR.

("Remand Motion"). In the Remand Motion, the Certifying Officer requested that the Employer's H-2B application be remanded to the Certifying Officer for further processing. It further stated that the Employer had no objection to the request.

Upon consideration of the Certifying Officer's request. I find good cause to grant it. This matter is hereby REMANDED to the Certifying Officer for further processing.

SO ORDERED.

For the Board:

CARRIE BLAND
Administrative Law Judge

Washington, D.C.