



**Issue Date: 04 March 2020**

BALCA Case No.: 2020-TLN-00023

ETA Case No.: H-400-20002-224623

*In the Matter of:*

BMC EAST, LLC,  
*Employer.*

**ORDER GRANTING MOTION FOR RECONSIDERATION**

On February 27, 2020, I issued a Decision and Order Reversing Denial of Certification. I determined that the CO had acted arbitrarily and capriciously in denying Employer's application, and that Employer had met its burden of proving its request for 20 Assemblers was justified. I therefore reversed the CO's determination and ordered the CO to certify Employer's application.

On February 28, 2020, counsel for the CO filed a motion for reconsideration, requesting that I "re-issue an order directing that Employer's application be remanded to the Agency for further processing." Motion for Reconsideration, p. 1. Counsel for the CO correctly avers that under the regulations, the CO may certify the application only after the Employer has completed its post-acceptance requirements. *See* 20 C.F.R. §§ 655.40 – 655.48.

Accordingly, IT IS ORDERED that the CO's motion for reconsideration is GRANTED; the language in the Decision and Order directing the CO to certify Employer's application is VACATED; and this matter is REMANDED for further action.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge

PCJ/PML/ksw  
Newport News, Virginia