



Issue Date: 22 February 2021

BALCA Case No.: 2021-TLN-00015
ETA Case No.: H-400-20305-8894005

In the Matter of:

LION STONE, LLC
Employer

ORDER VACATING DECISION AND ORDER REVERSING CERTIFYING OFFICER'S DENIAL OF TEMPORARY LABOR CERTIFICATION AND GRANTING UNOPPOSED MOTION TO WITHDRAW APPEAL

A Decision and Order was issued in the above captioned case on February 17, 2021, Reversing the CO's Denial of Temporary Labor Certification in this matter and remanding to the CO for further processing. While issuance of that decision was pending administrative processing on February 17, 2020, Employer filed an unopposed Motion to Withdraw Appeal. By Order dated February 18, 2021, the undersigned Denied the Motion to Withdraw Appeal as Moot. The Order Denying the motion to withdraw appeal noted that "the stated reasons for the withdrawal request did not appear to be fully voluntary." Accordingly, the parties were granted three days to show cause whether the Order Reversing and Remanding the CO's Denial in the instant matter should be vacated and whether the Motion to Withdraw Notice of Appeal should be granted such that the processing of the application in Case H-400-21002-99149 (a subsequent application filed by Employer) may be resumed.

On February 19, 2021, Employer filed "Joint Motion to Reconsider and Vacate the Order Reversing and Remanding the Certifying Officer's Denial and the Order Denying Applicant's Motion to Withdraw the Notice of Appeal." The Employer notes that pursuant to 20 C.F.R. §655.15(f) only one Application for Temporary Employment Certification may be filed for worksite(s) within one area of intended employment for each job opportunity with an employer for each period of employment. Further, Employer confirms that the request to withdraw the appeal of application, H-400-20305-8894005, (the subject of the above captioned appeal) is voluntary, and that the Employer wishes to continue with its application in Case H-400-21002-99149.

Wherefore, after due consideration of this matter by the undersigned, and finding that good cause has been shown, the February 17, 2021 Decision and Order Reversing the Certifying Officer's Denial of Certification in the above captioned case is hereby **VACATED**, and the unopposed Motion to Withdraw Appeal in this matter is **GRANTED**.

SO ORDERED.

For the Board of Alien Labor Certification Appeals:

PATRICIA J. DAUM
Administrative Law Judge