



**U. S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED 9-5-78

RE: HILLCREST FARMS, INC.
CASE NO. 78-TLC-152

RONALD E. WILSON, ESQ., ON BEHALF OF HILLCREST FARMS HAS REQUESTED EXPEDITED ADMINISTRATIVE-JUDICIAL REVIEW UNDER 20 C.F.R. 655.212 OF DENIAL OF TEMPORARY LABOR CERTIFICATION BY REGIONAL ADMINISTRATOR'S OFFICER (RA) J. TERRELL WHITSITT FOR 25 (TWENTY-FIVE) WORKERS TO PICK APPLES, SEPTEMBER 12 TO NOVEMBER 11, 1978. DENIAL WAS ISSUED PURSUANT TO 20 C.F.R. 655.206(a). THIS DECISION IS BASED ON THE RECORD AS OF THE DATE OF DENIAL. 20 C.F.R. 655.212(a).

AS GROUNDS FOR DENIAL THE RA STATED "25 WORKERS IN PUERTO RICO HAVE EXPRESSED A DESIRE TO WORK FOR YOU . . . THE NAMES AND LOCATION OF THESE WORKERS WILL BE 'AVAILABLE AT THE LOCAL EMPLOYMENT SERVICE OFFICE WHERE YOU PLACED YOUR JOB ORDER."

BASED ON THE FOREGOING THE RA DETERMINED THAT THERE ARE 25 U.S. WORKERS AVAILABLE TO FILL THE JOB OPPORTUNITY. THERE IS NOTHING IN THE RECORD TO REFUTE THE RA'S DETERMINATION. UNDER THE CIRCUMSTANCES, THE RA'S DENIAL OF THE APPLICATION FOR TEMPORARY LABOR CERTIFICATION IS AFFIRMED. THIS IS THE FINAL DECISION OF THE DEPARTMENT OF LABOR IN THIS MATTER. FURTHER REVIEW MAY BE OBTAINED BY FILING A PETITION WITH THE DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE IN YOUR GEOGRAPHICAL AREA PURSUANT TO 8C.F.R. 214.2(h)(3)(i).

THIS DECISION ISSUED PURSUANT 20 C.F.R. 655.212(b) IS BEING TRANSMITTED TO HILLCREST FARMS, INC., RONALD E. WILSON, ESQUIRE, REGIONAL ADMINISTRATOR, ADMINISTRATOR, U.S. EMPLOYMENT SERVICE, ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING, AND DIRECTOR, INS.

THOMAS G. EGAN
Hearing Officer

U.S. Department of Labor