



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

DATE PREPARED 9-8-78

RE: BISBEE ORCHARDS; CASE NO. 78-TLC-155

YOUR MAILED PETITION FOR REVIEW OF THE DENIAL OF TEMPORARY LABOR CERTIFICATION APPLICATION FOR 8 FOREIGN WORKERS WAS RECEIVED IN THIS OFFICE ON SEPTEMBER 7, 1978. THE DENIAL DECISION BY THE REGIONAL ADMINISTRATOR FOR EMPLOYMENT AND TRAINING, DOL, WAS DATED AUGUST 30, 1978. AS THE REGIONAL ADMINISTRATOR INFORMED YOU IN HIS TELEGRAPHED DECISION, 20 CFR 655.204(D)(2) STATES SPECIFICALLY THAT AN ADMINISTRATIVE-JUDICIAL REVIEW OF A DENIAL MUST BE RECEIVED IN THE OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE WITHIN 5 CALENDAR DAYS. SINCE THE TIME HAS EXPIRED, THIS OFFICE HAS NO JURISDICTION TO REVIEW YOUR CASE.

THE EMPLOYER HAS THE RIGHT TO AN ADJUDICATORY REVIEW OF THE DEPARTMENT OF LABOR'S DETERMINATION IN THIS MATTER BY THE U.S. IMMIGRATION AND NATURALIZATION SERVICE (SEE 8 CFR 214.2(H)(3)), AND MAY SUBMIT ADDITIONAL EVIDENCE TO INS FOR ITS CONSIDERATION IN CONNECTION WITH SUCH ADJUDICATORY REVIEW.

ACCORDINGLY, IT IS ORDERED THAT THE DENIAL OF A TEMPORARY LABOR CERTIFICATION FOR 8 FOREIGN WORKERS SOUGHT BY THE EMPLOYER IS AFFIRMED.

THIS DECISION IS BEING TRANSMITTED TO BISBEE ORCHARDS, REGIONAL ADMINISTRATOR, ADMINISTRATOR, U.S. EMPLOYMENT SERVICE, ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING, AND DIRECTOR, INS.

JOHN C. HOLMES  
Hearing Officer  
U S. Department of Labor