



**Issue Date: 24 February 2012**

**OALJ Case No.: 2012-TLC-00043**

**ETA Case No.: C-12025-32121**

*In the Matter of*

**EAST COAST SOD,**  
*Employer*

Certifying Officer: William L. Carlson  
Chicago National Processing Center

**ORDER OF REMAND**  
**FOR**  
**CONTINUED PROCESSING**

This matter arises under the temporary agricultural labor provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a) and 1184(c)(1), and the implementing regulations at 20 C.F.R. Part 655, Subpart B. On January 31, 2012, the Certifying Officer (“CO”) issued a *Notice of Deficiency* (“NOD”) to East Coast Sod (“the Employer”), finding that its three-month experience requirement was not consistent with the normal and accepted qualifications required by non-H-2A employers in the same or comparable occupation or crop, as required by 20 C.F.R. § 655.122(b). The Employer appealed the NOD to the Office of Administrative Law Judges (“OALJ” or “Office”) on February 9, 2012 and requested a de novo hearing pursuant to 20 C.F.R. § 655.171(b).

Subsequently, on February 22, 2012, counsel for the CO notified this Office that the CO has agreed to accept the Employer’s application with the three-month experience requirement, and therefore requested that the matter be remanded to the Chicago National Processing Center (“CNPC”) for further processing. Counsel for the CO stated that the Employer’s attorney has no objection to this request.

Based on the foregoing, it is hereby **ORDERED** that this matter is **REMANDED** to the CNPC for further processing.

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**WILLIAM S. COLWELL**

Associate Chief Administrative Law Judge