

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 24 February 2012**

**OALJ Case No.: 2012-TLC-00044**

**ETA Case No.: C-12011-31534**

*In the Matter of*

**NEAL LEMLER,**

*Employer.*

Certifying Officer: William L. Carlson  
Chicago Processing Center

**ORDER OF DISMISSAL**

This case arises under the temporary agricultural labor provisions of the Immigration and Nationality Act of 1952 (Act), 8 U.S.C.A. § 1101(a)(15)(H)(ii)(a) and §1184(c)(1), as amended, and its implementing regulations found at 20 CFR Part 655, Subpart B.

By the Certifying Officer's (CO) "Notice of Deficiency" of January 18, 2012, the CO found that the Employer's "Application for Temporary Employment Certification" (ETA 9142) and "Agricultural and Food Processing Clearance Order" (ETA 790, Job Order) were deficient based on 20 CFR §655.122(b) & (h) and extended the opportunity for the Employer to correct the noted deficiencies (ETA Case no. C-12013-31624). Employer's counsel filed an appeal of the "Notice of Deficiency" and a request for formal hearing on February 9, 2012.

On February 22, 2012 the Certifying Officer requested that Lemler, Case No. 2012-TLC-00044, be dismissed as moot since he intends to certify the application.

All issues raised by this case have been resolved and the applications in question containing the test agreed by the parties will be accepted for processing.

The Parties request that the referenced case be dismissed with prejudice.

In view of all the foregoing, the request for hearing is **DISMISSED WITH PREJUDICE**.

**A**

RICHARD K. MALAMPHY  
Administrative Law Judge

RKM/amc/dh  
Newport News, Virginia