



Issue Date: 26 October 2011

OALJ Case No.: 2012-TLC-2

ETA Case No.: C-11251-30011

In the Matter of:

WAIKELE FARMS, INC.,
Employer,

Certifying Officer: William L. Carlson
Chicago Processing Center

ORDER OF REMAND

On October 11, 2011, the Employer in the above-captioned temporary labor certification matter, Waikele Farms, Inc. (“Waikele”), filed a request for a de novo hearing of the Certifying Officer’s (“CO”) decision to “partially” deny its application for H-2A labor certification. The CO’s partial denial was based on his determination that the housing site identified in Waikele’s application accommodated a maximum of 24 Field Workers, and could not accommodate all 48 of the Field Workers for which Waikele requested temporary labor certification.

On October 26, 2011, the CO informed me that the parties had resolved the instant dispute. Specifically, the CO agrees there is sufficient capacity for 48 Field Workers at Waikele’s proposed housing site, and Waikele agrees to correct the problems identified at a re-inspection of its proposed housing site. Accordingly, the parties request that this matter be remanded to the CO, who agrees to complete processing and issue Waikele’s requested H-2A labor certification within 72 hours of confirmation that all of the problems identified in the re-inspection report have been resolved. In light of the foregoing, it is hereby ORDERED that this matter is REMANDED to the CO for processing consistent with this order.

A

LINDA S. CHAPMAN
Administrative Law Judge