

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 03 February 2012

OALJ Case No.: 2012-TLC-00013

ETA Case No.: C-11349-30883

In the Matter of

WILLOWAY NURSERY, INC.,

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 December 22, 2011, 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-11349-30883). Employer's counsel filed an appeal of the "Notice of Deficiency" and a request for formal hearing on January 3, 2012. A formal hearing was held on January 24 and 25, 2012.

On February 2, 2012 the Parties filed a "Joint Stipulation of Dismissal" in this case. The Parties stipulated that:

1. The Certifying Officer for the U.S. Department of Labor and the named petitioners have settled Cases Nos.2012-TLC-13, 2012-TLC-14, 2012-TLC-16, 2012-TLC-19, 2012-TLC-20, 2012-TLC-22, 2012-TLC-29, 2012-TLC-31 and 2012-TLC-33.

2. All issues raised by these cases 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 cases be dismissed with prejudice.

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

A

ALAN L. BERGSTROM
Administrative Law Judge

ALB/jcb
Newport News, Virginia