

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 June 2013

OALJ Case No.: 2013-TLC-00034

ETA Case No.: H-300-13112-900682

In the Matter of:

CAROL RHODES,
Employer

Certifying Officer: William L. Carlson
Chicago Processing Center

Before: **LEE J. ROMERO, JR.**
Administrative Law Judge

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 April 29, 2013, the Certifying Officer (“CO”) issued a *Notice of Deficiency* (“NOD”) to Carol Rhodes (“the Employer”). On May 14, 2013, the CO denied Employer’s application because Employer failed to respond to the NOD within 12 calendar days. The Employer appealed the denial to the Office of Administrative Law Judges (“OALJ” or “Office”) on May 22, 2013 and requested administrative review pursuant to 20 C.F.R. § 655.171(a).

Subsequently, on June 4, 2013, counsel for the CO notified this Office that the CO has agreed to review the NOD response and will continue processing the H-2A Application. Therefore, the Solicitor requested that the matter be remanded to the Certifying Officer for further processing. Employer has no objection to the instant request.

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

ORDERED this 4th day of June, 2013, at Covington, Louisiana.

Lee J. Romero, Jr.
Administrative Law Judge