

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 04 March 2013

OALJ Case No.: 2013-TLC-00014

In the Matter of

FELAND BROTHERS FARMS,
Employer

Certifying Officer: Charlene G. Giles
Director, Chicago Processing Center

Before: **LINDA S. CHAPMAN**
Administrative Law Judge

ORDER OF REMAND

On December 26, 2012, Feland Brothers Farms (Feland) filed a request for review of the Certifying Officer's determination in the above-captioned temporary alien labor certification matter. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c)(1); 20 C.F.R. § 655.171. On December 27, 2012, the Office of Administrative Law Judges received the Administrative File from the Certifying Officer ("the CO").

While the administrative law judge typically has five days after receiving the file to issue a decision, *see* 20 C.F.R. § 655.171(a), counsel for the Employer, Mr. David Chapman, Esq., requested a continuance toward the end of the five-day period; there was no objection from the Department of Labor's counsel, Mr. Vincent Costantino, Esq. I granted the continuance, and Messers. Chapman and Costantino cooperated throughout January and February in exchanging information.

On Thursday, February 27, 2013, Mr. Costantino advised that the CO had agreed to accept a remand of this case for further processing of the H-2A application, and that Mr. Chapman had no objection. The parties moved for a remand to the CO for further processing.

ORDER

Based on the foregoing, IT IS ORDERED that this matter is REMANDED to the Chicago Processing Center for further processing.

SO ORDERED.

LINDA S. CHAPMAN
Administrative Law Judge