

**UNITED STATES DEPARTMENT OF LABOR
BOARD OF ALIEN LABOR CERTIFICATION APPEALS
WASHINGTON, DC**

Issue Date: 13 October 2023

BALCA CASE NO.: 2023-TLC-00066

ETA Case No.: H-300-23020-717197

In the Matter of:

SURF AND TURF AND IRRIGATION EQUIPMENT,
Employer.

ORDER DISMISSING CASE

S&R Turf & Irrigation Equipment, LLC (“Employer”) submitted an application for temporary labor certification pursuant to the H-2A temporary agricultural worker program. The Certifying Officer denied Employer’s application on February 24, 2023. On September 28, 2023, the matter was referred to the undersigned from the National Office, and the undersigned entered a Notice of Assignment. In response to the Notice of Assignment, the Certifying Officer filed a Motion to Dismiss. The motion states that “On October 2, 2023, the CO notified the undersigned that this case was previously certified. Accordingly, the CO hereby requests that the above referenced matter be dismissed.” (Certifying Officer’s Mot. Dismiss, at 1.) Thus, it appears that the motion is seeking to dismiss this BALCA appeal on mootness grounds. Because the motion did not contain any documentation supporting the statement that this matter has been certified, and the only evidence currently before the undersigned is the denial of Employer’s application from February 2023, the undersigned directed Employer to “either respond to the Motion to Dismiss or Show Cause in writing why this appeal is not moot by October 12, 2023. The failure to respond by October 12, 2023, will result in the undersigned dismissing this matter as moot.” (Order Notice Show Cause, Oct. 6, 2023.) Employer did not respond to the motion or show cause in writing. As

such, it appears that this matter is moot and no ruling from the undersigned on the February 2023, denial is needed. The undersigned **DISMISSES as moot** this appeal.

SO ORDERED.

STEWART F. ALFORD
Administrative Law Judge