



In the Matter of:

**CAROL PAUL, FLC EMPLOYER,
COMPLAINANT,**

ARB CASE NO. 08-085

ALJ CASE NO. 2008-TLC-025

DATE: June 30, 2008

v.

**EMPLOYMENT AND TRAINING
ADMINISTRATION,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER OF DISMISSAL FOR FAILURE TO SHOW CAUSE

On May 2, 2008, an Administrative Law Judge (ALJ) issued a Decision and Order (D. & O.) under the temporary agricultural labor or services provision of the Immigration and Nationality Act¹ and its implementing regulations.² After a full hearing, the ALJ rejected Complainant Carol Paul's request to overrule Respondent Department of Labor Employment and Training Administration's denial of Paul's application for temporary agricultural labor certification.³

On May 9, 2008, Paul filed a petition with the Administrative Review Board, requesting that the Board review the ALJ's D. & O. Paul cited to no authority permitting the Board to review the D. & O., and the applicable regulations provide that "[t]he administrative law judge's decision shall be the final decision of the Secretary and no

¹ 8 U.S.C.A. § 1101(a)(15)(H)(ii)(a) (West 1999).

² See 20 C.F.R. § 655, Subpart B (2008).

³ D. & O. at 9.

further review shall be given to the temporary alien agricultural labor certification application or the temporary alien agricultural labor certification determination by any DOL official⁴. Accordingly, the Board issued an Order to Show Cause on June 13, 2008, requiring Paul to show why the Board should not dismiss his appeal on the grounds that the Board lacked the authority to consider it. Paul has not responded to the Board's Order.

Pursuant to 20 C.F.R. § 655.112(a), the ALJ's decision is the final decision of the Secretary of Labor and no further review shall be given. Therefore, the Board lacks the authority to consider the Complainant's request. Since the Complainant has failed to demonstrate that the Board has the authority to consider his request, we **DENY** his petition for review and we **DISMISS** this matter.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

DAVID G. DYE
Administrative Appeals Judge

⁴ 20 C.F.R. § 655.112(a)(2).