

U.S. Department of Labor

Office of Administrative Law Judges
Washington, DC



In the Matter of

Case No. 83-TAE-1

PALOMBO FARMS OF COLORADO

ORDER DENYING REQUEST FOR REVIEW

On March 17, 1983, the Employer notified this Office by letter that because of a "late delivery" he was not able to respond to the denial of his application for temporary agricultural employment certification, but that he still wanted his denial reviewed. (See attachment)

On March 22, 1983, the Regional Administrator notified this Office that the Employer received the March 4, 1983 denial letter by certified mail on March 7, 1983. (See attachment)

Pursuant to 20 C.F.R. §655.204(d)(2), the employer has five calendar days of the date of the denial letter in which to telegraph a request for review to the Office of Administrative Law Judges.

This Office did not receive the letter requesting review until March 17, 1983. I find that the Employer received the March 4 denial letter on March 7, 1983 and had ample time in which to telegraph a request for hearing. Thus, I find that the request for review was untimely filed.

Accordingly, it is hereby ORDERED that Palombo Farm's request for review is DENIED.

EVERETTE E. THOMAS
Deputy Chief Judge

Dated: 29 MAR 1983
Washington, D.C.

Attachments

EET:SJB:jeh