



In the Matter of
SUZUKI FARMS
Employer

Date Issued:
Case No. 91-TAE-5

Before: ROBERT G. MAHONY
Administrative Law Judge

ORDER ON REMAND

This matter arises under Part 655 of Title 20 of the Code of Federal Regulations, Subpart B, which governs the labor certification process for temporary agricultural employment in the United States of nonimmigrant foreign workers (H-2A Workers).

On June 25, 1991, an application for Temporary Alien Agricultural Labor Certification (H-2A) was filed with the Department of Labor on behalf of Suzuki Farms.

The Department of Labor denied certification because Suzuki Farms did not comply with 20 C.F.R. 655.102(b), which requires that the employer provide housing, without charge to workers who are not able to return to their residence within the same day. It also requires that the housing provided meet the Department of Labor standards.

In response Suzuki Farms filed a request for expedited Administrative Judicial Review on August 21, 1991 as allowed under 20 C.F.R. §655.104(c)(3).

A letter from the Associate Solicitor for Employment and Training Legal Services was received on September 16, 1991 stating that the Regional Administrator has received a copy of the Maryland Department of Health Migrant Camp permit issued by the Maryland Department of Economic and Employment Development to Suzuki Farms and has determined that Suzuki Farms is now in compliance with the requirements at 20 C.F.R. §655.102. He has, therefore, requested that this matter be remanded to allow him to issue the Temporary Alien Agricultural Labor Certification. There has been no objection from the Employer.

This matter is hereby remanded to the Regional Administrator so that he may issue the Temporary Agricultural Labor Certification.

ROBERT G. MAHONY
Administrative Law Judge

Dated: September 20, 1991
Washington, D.C.
RGM:crg