

U.S. Department of Labor

Office of Administrative Law Judges
1111 20th Street, N.W.
Washington, D.C. 20036

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In the Matter of : :
: :
VIRGINIA-CAROLINA : :
AGRICULTURAL PRODUCERS : :
ASSOCIATION : :
.....

Case No. 84-WPA-1

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ORDER OF DISMISSAL

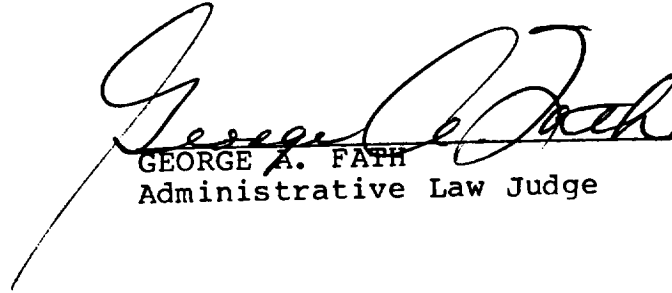
This proceeding arises under the Wagner-Peyser Act of 1933, 29 U.S.C. §49, et seq., and the regulations governing the Job Service system at 20 C.F.R. Part 658, as well as the temporary alien labor certification procedures provided for by the Immigration and Nationality Act, 8 U.S.C. §1101, et seq., and the regulations promulgated thereunder at 20 C.F.R. Part 655.

On November 29, 1983, the Virginia Carolina Agricultural Producers Association (hereinafter "VCAPA") filed a request for administrative-judicial review of a notice of ineligibility to apply for temporary labor certification dated November 14, 1983. The sole issue raised by employer's appeal was the validity of the regulations applied by the Regional Administrator who issued the notice of ineligibility.

On March 1, 1984, an order was issued directing VCAPA to show cause why this case should not be dismissed for lack of jurisdiction. It is well settled that administrative law judges lack authority to rule on the validity of the regulations which they apply. Public Utilities Commission of California v. U.S., 355 U.S. 534 (1958); 20 CFR §658.425(a)(4))

Counsel for VCAPA responded by letter of March 8, 1984, stating that he knew of no grounds why the case should not be dismissed.

Accordingly, the appeal of VCAPA will be, and hereby is, dismissed.



GEORGE A. FATH
Administrative Law Judge

Dated: April 30, 1984

GAF:pac

SERVICE SHEET

Case Name: VIRGINIA-CAROLINA AGRICULTURAL PRODUCERS ASSOC.

Case No.: 84-WPA-1

Title of Document: ORDER OF DISMISSAL

A copy of the above document was sent to the following:

REGULAR MAIL

William H. DuRoss, III
Associate Solicitor
U.S. Department of Labor/ETA
Room N-2101, FPB
200 Constitution Ave., N.W.
Washington, D.C. 20210

Albert D. Misler
Attorney at Law
1101 Seventeenth Street, N.W.
Suite 1205
Washington, D.C. 20036

Marshall H. Harris
Regional Solicitor
U.S. Department of Labor
Office of the Solicitor
Room 14480, Gateway Bldg.
3535 Market Street
Philadelphia, PA 19104

Ralph C. Cantrell
Virginia Employment Commission
Post Office Box 1358
Richmond, Virginia 32311

Mr. Hart Hudson
President & Executive Secretary
Virginia-Carolina Agricultural Producers
Association, Inc.
Post Office Box 26
Hazlewood Office Building
1103 West Danville Street
South Hill, Virginia 23970

Mr. Steven Karalekas, Esq.
Charles, Karalekas, Bacas and McCahill
1250 Connecticut Ave., N.W.
Washington, D.C. 20036

Mr. Curtis Rowland
Executive Secretary
Virginia Agricultural Growers Assoc.
Post Office Box 857
South Boston, Virginia 24592