

U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
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Washington, D.C. 20036



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In the Matter of :
EWERS ORCHARDS :
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Case No. 84-WPA-2

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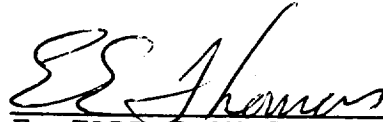
ORDER OF DISMISSAL

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 Employer, Ewers Orchards, filed a request for administrative-judicial review of the notice of ineligibility to apply for temporary labor certification in 1984 and subsequent years. Said notice was issued by the Regional Administrator on November 14, 1983, and was based on the finding that the Employer failed to comply with the directives emanating from the September 8, 1983 Order of U.S. District Court Judge Charles R. Richey in the case of NAACP v. Donovan, C.A. Number 82-2315, of which the Employer was notified by telegram from the Regional Administrator on September 28, 1983. The notice of ineligibility is issued pursuant to the directives of Judge Richey's Order of September 8, 1983 which mandate denial of certification services to employers found to be in non-compliance with that Order.

As the sole issue on appeal appeared to the validity of the regulations applied by the Regional Administrator, which is an issue beyond the jurisdiction of this Office, the Employer was directed by order issued February 16, 1984 to Show Cause why this appeal should not be dismissed. 20 C.F.R. §658.425 (a)(4). No objections have been presented by the Employer.

Accordingly, as the Regional Administrator's determination has not been challenged on grounds properly reviewable by this Office, it is hereby ORDERED that this proceeding is DISMISSED for lack of subject matter jurisdiction.



E. EARL THOMAS
Deputy Chief Judge

Dated: 29 MAR 1984
Washington, DC

EET/JB/wrs

SERVICE SHEET

Case Name: Ewers Orchards

Case No.: 84-WPA-2

Title of Document: Order of Dismissal

I certify that a copy of the foregoing document was sent to the following on 29 MAR 1984.


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