

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
1111 20th Street, N.W.  
Washington, D.C. 20036



DATE: FEB 7 1989  
CASE NO. 87-INA-597

IN THE MATTER OF

POLYTEX FIBERS CORPORATION  
Employer

on behalf of

SIMON BAZBAZ  
Alien

BEFORE: Litt, Chief Judge, Vittone, Associate Chief Judge, and Brenner, DeGregorio,  
Tureck, Guill and Schoenfeld, Administrative Law Judges

JEFFREY TURECK  
Administrative Law Judge

**ORDER**

In accordance with 20 C.F.R. §656.25(e)(2), the Certifying Officer ("CO") issued a Final Determination denying certification due to the Employer's failure to file a timely rebuttal of the Notice of Findings. That determination was confirmed in a decision denying reconsideration.<sup>1</sup> Assuming, without deciding, that the CO has the authority to consider an untimely rebuttal, his decision not to do so in this case clearly was within his discretion. He already had granted Employers' first request for an extension of time to file the rebuttal; and his failure to grant the second request for an extension, which was received only the day before the extended rebuttal deadline, was not an abuse of discretion in this case.

Therefore, the denial of certification is affirmed.

JEFFREY TURECK  
Administrative Law Judge

JT:jb

---

<sup>1</sup> Although the CO also considered the merits of the case in denying reconsideration, he did not abandon the procedural grounds for denial of certification set out in the Final Determination.