



DATE: May 19, 1989
CASE NO. 88-INA-116

IN THE MATTER OF

BROOKS ROOFING CO., INC.,
Employer

on behalf of

COLIN GEORGE SMITH,
Alien

Leslie J. Frank, Esquire
For the Employer

BEFORE: Litt, Chief Judge; Vittone, Deputy Chief Judge; and
Brenner, Guill, Tureck, and Williams,
Administrative Law Judges

LAWRENCE BRENNER
Administrative Law Judge

ORDER OF DISMISSAL

On June 12, 1987, the Certifying Officer denied the application for labor certification submitted by the Employer. The Employer filed a timely notice with the Certifying Officer, requesting review of the Certifying Officer's decision by this Board. However, no grounds of appeal or allegations of error were noted.

On January 14, 1988, this office issued a notice of docketing of the appeal, and set February 16, 1988, as the deadline for the parties to file briefs. None were received.

20 CFR § 656.26 contains the requirements for filing a request for review of a denial of certification with this Board. Subsection (b)(1) of that section states that:

The request for review shall be in writing and shall clearly identify the particular labor certification determination from which review is sought [and] shall set forth the particular grounds for the request...

(Emphasis added). The Employer's mere assertions in its request for review that "the Employer has substantiated the necessity of the requirements set forth to fill the position in question and

has met all the requirements established by the Department of Labor for Alien Labor Certification," does not constitute "particular grounds," pursuant to § 656.26. Because the Employer has failed to comply with the regulatory requirements for requesting review by this Board of the Certifying Officer's denial of certification, the request for review is DISMISSED. See North American Printing Ink Co., 88-INA-42 (March 31, 1988) (en banc).

LAWRENCE BRENNER
Administrative Law Judge