

In the NOF, the CO stated, in pertinent part:

There is question whether a current job opening exists to which U.S. workers can

makes the hiring decision for the position in question is completely independent of

under the name of the now deceased Virgilio Teves Pacana. With his untimely demise in 1997, the administration of his estate was thereafter turned over to his sister - the herein signatory - who has since assumed the management and

The employer's rebuttal provides an organizational chart which shows the labor certification position as one of the vacant positions. No information is provided as to which workers are considered employees versus which workers are considered independent contractors. The rebuttal includes a record of wages plus exempt payments of \$131,300 for 2000, but it does not show which positions in the organization were for the wage earning position. There is no information whatsoever as to whether the labor certification position has ever been held by any

Sales Agent). Because of the increased business activities and number of Travel Agents, Mr. Sarceno can no longer continue performing the duties of two

A

JOHN C. HOLMES