

U.S. Department of Labor

Board of Alien Labor Certification Appeals
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STATEMENT OF THE CASE

On December 15, 1996, Employer filed an application for labor certification on behalf of the Alien for the position of Musician, Instrumental. (AF 95-96).

On August 28, 2000, the CO issued a Notice of Finding (NOF) indicating intent to deny the application. The CO questioned Employer's ability to provide full time work for a bass player. The CO noted that the bass musician was normally self-employed and there was no record of any other musicians being employed at Employer's residential business address. The CO added that Employer had not reported any wages to the state agency. To cure the deficiency, Employer was asked to provide recording and live

are not compelling evidence of entitlement to certification. *Gerata Systems America, Inc.*,

Consequently, for the above stated reasons we dismiss Employer's Request for Review and affirm the CO's denial.

ORDER

The CO's denial of labor certification in this matter is hereby **AFFIRMED**.