

THE (BALCA) CHART FOR PERM WHISPERERS

by Anthony E. Weigel

In 2013, I participated in a PERM panel at an AILA Chicago Chapter CLE event. The panel's focus was on due process issues, so I reviewed all of the BALCA decisions issued from January 2012 through the fall of 2013 and summarized them in a chart form, similar to this version. The Chicago Chapter invited me back in 2015 for a general BALCA/PERM panel, so I updated the chart from the fall of 2013 through the fall of 2015. The format changed slightly to highlight due process, regulatory interpretation, and case law discussions within the substantive decisions. The 2015 "Chicago Chart" included summaries of about 150 cases.

Earlier in 2018, I set out to update the chart once again. I quickly discovered that the volume of decisions had increased. The current chart includes summaries of 570+ of the roughly 12,000 BALCA cases issued since January of 2012. All cases contain hyper-links to the OALJ website (<https://www.oalj.dol.gov/>). Some of the decisions address substantive issues, like applicant review, whereas others address specific questions, such as what happens if the employee and employer sign the 9089 submitted with an Audit response, but the attorney fails to do so (See Case No. 129).

The chart includes a column of "Issues & Notes," which corresponds to the chart's Tab, "Issue Index." There are 23 issues listed in the Index to aid with identifying relevant cases. One may also search the text of Chart for a specific term or citation. Use of the electronic version of the chart is advised due to the length of the printed document (250+ pages). Please note, if the regulatory citation falls within 20 CFR Sec. 656, it will start as "656.xx." Other statutory and regulatory citations are listed in full.

I would like to thank my fellow PERM Whisperers in the Chicago Chapter for the opportunities and inspiration. Enjoy!

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Instructions:

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