



Issue Date: 28 March 2006

Case No.: 2005-LCA-00040

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party

v.

ILAHY ENGINEERING, INC. D/B/A MICROAGE COMPUTER NETWORKS
Respondents

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

On August 1, 2005, the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division issued a determination letter alleging violations of the H-1B provisions of the Immigration and Nationality Act of 1952 as amended by the Immigration Act of 1990, the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 and the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) (Title IV of Pub. L. 105.277, Oct. 21, 1998; 112 Stat. 2681) found at 8 U.S.C. §1101, et seq.; 8 U.S.C. 1101(a)(15)(H)(i)(b) (the "Act"). The Prosecuting Party determined that the Respondent had failed to pay wages required in violation of §§ 655.731 and 655.805(a)(2) of the regulations; and had failed to maintain documentation as required by §§ 655.731(b) and 655.760(c).

On March 20, 2006, as amended on March 27, 2006, the parties filed a Joint Motion for Approval of Settlement Agreement and Proposed Order (the "agreement") which was signed by counsel for both parties and also by a management representative of Ilahi Engineering d/b/a Microage Computer Mart containing four exhibits. The agreement seeks to settle and resolve all controversies and claims existing as a result of the Prosecuting Party's investigation. By way of the settlement, the Respondent agrees to pay in full and complete settlement of all issues the sum of \$20,000.00 representing an agreed amount of back wages and all other sums owing to be paid to the H-1B non-immigrant identified in Exhibit 3 to the agreement. The back wage payments are to be made as one initial payment of \$7,500 and nine additional monthly installments of \$1,388.89 as set forth and described in the agreement. The payments are to commence seven days after receipt by counsel for Respondent of this decision and Order Approving the agreement. Certain other conditions also attach to the payments all as outlined in the agreement.

The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges found at 29 C.F.R. Part 18 are applicable to this proceeding. 20 C.F.R. §655.825(a).

ORDER

Upon a review of the record, the agreement is formally approved.

IT IS ORDERED that the joint motion for approval of the agreement is **GRANTED**.

IT IS FURTHER ORDERED that:

1. This Decision and Order shall have the same force and effect as a decision and order made after full hearing;
2. The entire record upon which this Decision and Order is based shall consist solely of the agreement and the attached four exhibits executed by the parties;
3. Any further procedural steps before this Office are waived;
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with this agreement are hereby waived.
5. Each party shall bear all of its own costs, expenses, and legal and accounting fees incurred in connection with this action, including but not limited to any fees that may be available under the Equal Access to Justice Act;
6. This Decision and Order shall be the final agency action; and
7. Respondent and the personal guarantors referenced in the agreement will use their best efforts to maintain their familiarity with the Act's requirements and comply with the Act in the future.

IT IS FURTHER ORDERED that this matter is hereby **DISMISSED** with prejudice.

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GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California