

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 31 August 2006

CASE NO.: 2006-LCA-00015

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,
Prosecuting Party/Complainant,**

v.

**US RURAL HEALTH SERVICES, LLC, d/b/a TAZEWELL AND
RUTLEDGE PRIMARY CARE CLINICS, and
DR. MOHAMMAD I. HUSSAIN,
Respondents.**

**DECISION AND ORDER APPROVING
AGREEMENT AND ENTERING JUDGMENT**

This is a proceeding arising out of the enforcement provisions relating to labor condition applications for H-1B visas of the Immigration and Nationality Act, as amended (“INA”), 8 U.S.C. § 1101 *et seq.* with implementing regulations appearing at 20 C.F.R. Part 655.800 *et seq.* A hearing in the instant case scheduled to be held before the undersigned administrative law judge for May 10, 2006 in Knoxville, Tennessee was cancelled due to the appointment of a settlement judge, the Honorable William Colwell, pursuant to 29 C.F.R. §18.9(e). On May 25, 2006, Judge Colwell filed a Notice of Conclusion of Settlement Judge Proceeding.

Under cover letter of August 25, 2006, counsel for the Administrator of the Wage and Hour Division filed the original and copies of a proposed Final Judgment (hereafter “Judgment”) signed by attorney Donna E. Sonner, Esq., on behalf of the Administrator, Wage and Hour Division, Department of Labor; and by Dr. Mohammad I. Hussain and attorney David E. Waite, Esq. on behalf of Respondents. The Judgment also bears a place for my signature. I have examined the Judgment and conclude that it is essentially a form of Consent Findings and its approval would be in the best interest of the parties.

Accordingly, I have signed the Judgment, and I now make the following Findings and issue the following Order:

FINDINGS

1. All issues in contest between the Administrator and Respondents have been resolved by the Judgment, which is incorporated by reference herein.
2. This Decision and Order incorporating the Judgment shall have the same force and effect as an Order made after a full hearing.
3. The entire record on which this Decision and Order is based shall consist solely of the Judgment and the March 20, 2006 Determination Letter issued by the Administrator.
4. The parties have waived any further procedural steps before the undersigned administrative law judge as well as any rights to challenge or contest the validity of this Decision and Order.
5. The Judgment comports in all material respects with the requirements of 29 C.F.R. § 18.9, as applicable pursuant to 29 C.F.R. § 655.825.
6. All of the findings, terms and conditions of the Judgment are incorporated by reference herein.

ORDER

IT IS HEREBY ORDERED that the agreement between the parties as set forth in the Judgment be, and hereby is, **APPROVED**, and the parties shall comply with the terms thereof; and

IT IS FURTHER ORDERED that this action be, and hereby is, **DISMISSED WITH PREJUDICE**; and each party shall bear his or its own costs, expenses, and attorney fees incurred in connection with this action.

A
PAMELA LAKES WOOD
Administrative Law Judge

Washington, D.C.