



Issue Date: 20 October 2008

CASE NO.: 2008-LCA-29

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

RTI LABORATORIES, INC.,
Respondent

**DECISION AND ORDER APPROVING
CONSENT FINDINGS**

This proceeding arises under the H-1B provisions of the Immigration and Nationality Act, ("INA"), 8 U.S.C. § 1101(a)(15)(H)(1)(b) and the applicable regulations issued thereunder at 20 C.F.R. Part 655. I was assigned the case on August 5, 2008. A hearing had been scheduled for August 26, 2008. Counsel for the Administrator, Wage and Hour Division advised the undersigned that the parties had reached a settlement and requested the hearing be cancelled. I issued an order canceling the hearing and requiring submission of the Consent Findings. On October 10, 2008, the parties submitted their Consent Findings.

Pursuant to 29 C.F.R. § 18.9(a), an administrative law judge must review factors including, "the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of reaching an agreement will result in a just disposition of the issues involved" in order to determine whether a settlement is in the best interest of the parties.

The undersigned, having reviewed the Consent Findings and all of the above-mentioned factors, concludes that this settlement is in the best interests of all the parties. Accordingly;

ORDER

It is hereby ORDERED that:

- (1) the terms and conditions contained in the above-mentioned Consent Findings are hereby APPROVED. Such terms and conditions are hereby incorporated by reference into this order;
- (2) the Consent Findings and Order shall have the same force and effect as an order made at a full hearing;
- (3) the entire record on which any Order may be based shall consist solely of the Determination Letter and the Consent Findings;
- (4) any further procedural steps before this office and any right to contest the validity of the Consent Findings and this Order of Approval are waived by the parties;
- (5) the Consent Findings and this Order of Approval, shall be come effective immediately upon the issuance of this order;
- (6) the fees, costs and expenses incurred in connection with all stages of this proceeding (including but not limited to attorney's fees which may be available under the Equal Access to Justice Act, as amended) shall be borne by each party, and;
- (7) that the civil monetary penalty and wages paid by the Respondent to its former employees, as specified in the Settlement Agreement, shall be deemed to be full satisfaction of the back wage claims against the Respondent arising out of their employment of said employees.

A

RICHARD A. MORGAN
Administrative Law Judge