



**U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED 3-8-79

RE: RACIBEC, INC., CASE NO. 79-TLC-7

MATTER IS BEFORE UNDERSIGNED HEARING OFFICER AT REQUEST OF EMPLOYER, YVON RACIBEC, INC., ST. JUSTINE, BELLECHASSE COUNTY, P.Q. CANADA, ON FEBRUARY 26, 1979, FOR EXPEDITED REVIEW OF DENIAL OF REQUEST FOR MEAL CHANGE INCREASE FROM \$4.00 PER WORKER PER DAY TO \$5.00 PER WORKER PER DAY. PERTINENT CASE FILE WAS RECEIVED IN THIS OFFICE ON MARCH 6, 1979.

ON OCTOBER 27, 1978, THE EMPLOYER WAS AUTHORIZED AN INCREASE TO THE MAXIMUM ALLOWABLE CHARGE OF \$4.00 PER WORKER FOR PROVIDING SUCH WORKER WITH 3 MEALS PER DAY IN ACCORDANCE WITH THE REGULATIONS AT 20 CFR 655.211.

ON FEBRUARY 7, 1979, THE EMPLOYER REQUESTED AN INCREASE TO \$5.00 PER DAY AND SUBMITTED A STATEMENT OF BOARD ACCOUNT TO SUPPORT SUCH REQUEST. ON FEBRUARY 23, 1979, THE REQUEST WAS DENIED BY A TELEGRAM, AND INCLUDED IN THAT NOTICE OF REFUSAL WAS A REFERENCE TO THE REGULATORY RIGHT TO AND PROCEDURE FOR REQUESTING AN ADMINISTRATIVE-JUDICIAL REVIEW, AS SET FORTH IN 20 CFR 655.204(D).

ON FEBRUARY 26, 1979, A TELEGRAM WAS SENT TO BOTH THE CHIEF ADMINISTRATIVE LAW JUDGE, U.S. DEPARTMENT OF LABOR, AND THE REGIONAL ADMINISTRATOR IN BOSTON, MASSACHUSETTS, SEEKING REVIEW OF THE DENIAL OF THE REQUESTED INCREASE IN MEAL CHARGES.

20 CFR 655.211 ALLOWS THE REGIONAL ADMINISTRATOR TO PERMIT "AN EMPLOYER TO CHARGE WORKERS UP TO \$4 FOR PROVIDING THEM WITH 3 MEALS PER DAY" SUBJECT TO SUBMISSION OF JUSTIFYING DOCUMENTARY EVIDENCE BY THE EMPLOYER TO THE REGIONAL ADMINISTRATOR.

IN THIS CASE, THE MAXIMUM AMOUNT ALLOWED BY THE REGULATIONS HAS BEEN GRANTED; AND IT IS NOT WITHIN THE AUTHORITY OF THIS OFFICE TO CHALLENGE, CHANGE, DIMINISH OR ENLARGE THE RIGHTS GRANTED BY SUCH

REGULATIONS. RUCKER V. WABASH RAILROAD COMPANY, 418 F. 2d 146 (7th CIRC. , 1969); ATWOOD'S TRANSPORT LINES, INC. v. UNITED STATES, 211 F. Supp. 168 (D.C.D.C., 1962), AFF'D, 373 U.S. 377 (1962).

ACCORDINGLY, THE RULING IN THIS MATTER, SIGNED BY THE REGIONAL ADMINISTRATOR, DENYING AN INCREASE IN MEAL CHARGES FROM \$4.00 PER WORKER PER DAY TO \$5.00 PER WORKER PER DAY IS AFFIRMED.

THIS IS THE FINAL DECISION OF THE DEPARTMENT OF LABOR IN THIS MATTER. FURTHER REVIEW MAY BE ATTAINED BY FILING A PETITION WITH THE DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE IN YOUR GEOGRAPHICAL AREA PURSUANT TO 8 C.F.R. 214.2(H)(3)(1).

THIS DECISION IS BEING TRANSMITTED TO YVON RACINE, PRESIDENT, RACIBEC, INC., THE REGIONAL ADMINISTRATOR, BOSTON, MASSACHUSETTS, ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING, AND DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.

JOHN M. BODLEY
Hearing Officer
U.S. Department of Labor