



Date: August 22, 2000

Case No.: 2000-LCA-00003

In the Matter of

U. S. DEPARTMENT OF LABOR  
ADMINISTRATOR, WAGE AND HOUR DIVISION

Prosecuting Party

v.

DR. ROGER W. NARVAEZ, dba  
VALLEY MEDICAL CLINIC

Respondent

BEFORE: RUDOLF L. JANSEN  
Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

This is an action brought by the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division under 20 C.F.R. Part 655 pertaining to the temporary employment of aliens in the United States as authorized in the Immigration Nationality Act, as amended by the American Competitiveness and Workplace Improvement Act. The Prosecuting Party determined that the Respondent had failed to pay wages required in violation of §§655.731 and 655.805(a)(6) and also assessed a civil money penalty as a result of the Respondent having improperly accepted the \$500.00 filing fee from an H-1B worker.

By way of the Settlement Agreement, the parties desire to avoid further litigation or controversy and they wish to fully resolve any and all claims that may exist as a result of the Prosecuting Party's investigation. Respondent acknowledges that he is an employer under the Act who has certain responsibilities because of the usage of non-immigrants on H-1B visas in speciality occupations. Respondent agrees to pay \$1,000.00 by August 31, 2000 and an additional \$8,000.00 in back wages and reimbursement for the filing fee. Payment of the \$8,000.00 will be made in \$1,000.00 monthly increments between September 30, 2000 and February 28, 2001. In addition, Respondent will mail a cashier's or

certified check in the amount of \$1,500.00 to the U.S. Department of Labor on or before August 31, 2000. Other payments are also required all as itemized in the Settlement Agreement signed by Ann M. Noble, Associate Regional Solicitor, on behalf of the Prosecuting Party and Dr. Roger Narvaez, dba the Valley Medical Center.

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). On August 9, 2000, I entered an Order deferring this case in order to provide additional time to the parties to finalize and submit formal settlement documents. Thus, the case of Indiana Department of Workforce Development v. U.S. Department of Labor, ARB Case No. 98-155 (Dec. 8, 1998); ALJ Case No. 97-JTP-15 does not preclude the entry of this settlement order.

Upon a review of the record, the Settlement Agreement is formally approved. IT IS ORDERED that:

1. This Order shall have the same force and effect as an Order made after full hearing;
2. The entire record upon which this Order is based shall consist solely of the Administrator's Determination Letter and the Settlement Agreement executed by the parties;
3. Any further procedural steps before this office are waived; and
4. Any rights to challenge or contest the validity of this Order entered into in accordance with this agreement are hereby waived.

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

Rudolf L. Jansen  
Administrative Law Judge