



Issue Date: 09 May 2019

Case Number: 2019-CLA-00001

In the Matter of:

CPL FOODS, LLC
d/b/a JERSEY MIKE'S SUBS,
an Illinois Limited Liability Company,
Respondent.

ORDER APPROVING SETTLEMENT AGREEMENT

This matter arises under Section 16(e) of the Fair Labor Standards Act of 1938 ("FLSA"), as amended, 29 U.S.C. § 210 *et seq.*, and the regulations at 29 C.F.R. Parts 579 and 580. On July 9, 2018, the U.S. Department of Labor, Wage and Hour Division ("Plaintiff"), notified Respondent that an investigation of their restaurant disclosed several violations of the child labor provisions of the FLSA and assessed \$12,129.00 in civil money penalties. Respondent filed an objection and request for hearing on July 27, 2018. Plaintiff referred the matter to the Office of Administrative Law Judges on October 12, 2018; it is currently scheduled for a formal hearing on September 12, 2019 in Chicago, Illinois.

On April 29, 2019, Plaintiff filed *Compliance and Settlement Agreement* ("Settlement Agreement") for approval. The Settlement Agreement states that the parties have reached a resolution in this matter obviating the need for a formal hearing. The Settlement Agreement indicates that the parties have agreed that Respondent will withdraw its exceptions and request for hearing and comply with the child labor provisions of the FLSA in the future. Respondent will pay the assessed civil money penalties in accordance with the installment plan outlined in the agreement. The Settlement Agreement is signed by counsel for Plaintiff and counsel for Respondent.

The FLSA rules of procedure for administrative proceedings are set forth in 29 C.F.R. Part 580. Section 580.7(a) states that the OALJ Rules of Practice and Procedure found at 29 C.F.R. Part 18 shall apply to the extent they do not conflict with the provisions of Part 580. As Part 580 does not provide applicable standards for approving a settlement agreement and consent findings, the applicable standards are found in 29 C.F.R. §18.71.

After reviewing the terms of the Settlement Agreement, I am satisfied that they conform to the requirements set forth in §18.71(b)(1)-(4) and are a satisfactory resolution of the issues previously contested. Accordingly, the *Compliance and Settlement Agreement* is hereby fully incorporated into this order and **APPROVED**. The September 12, 2019 hearing in Chicago, Illinois is **CANCELLED** and the case **DISMISSED**.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge