



Issue Date: 05 August 2020

Case No.: 2019-CLA-00004

In the Matter of

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

v.

CUSTOM DESIGN CABINETRY & CONSTRUCTION, INC.,
Respondent.

ORDER APPROVING CONSENT FINDINGS

This matter arises pursuant to Section 16(e) of the Fair Labor Standards Act of 1938 (“the Act”), 29 U.S.C. § 201 et seq., and 29 C.F.R. Parts 579 and 580.¹ It is currently scheduled for a telephonic hearing on August 26, 2020.

On July 27, 2020, Plaintiff filed *Consent Findings*, which are signed by counsel for Plaintiff and Jeff Losinske, Respondent’s President, on behalf of Respondent. The *Consent Findings* detail the parties’ agreement that Respondent will withdraw its hearing request and pay the assessed civil money penalty over four consecutive monthly installments of \$441.25, with the first installment due at the time the consent findings are executed.

The rules of procedure governing FLSA 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 standards for approving a settlement agreement and consent findings, it is appropriate to apply the standards provided in 29 C.F.R. § 18.71.

After reviewing the terms of the 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

¹ On March 12, 2019, the U.S. Department of Labor, Wage and Hour Division (“Plaintiff”) filed an *Order of Reference*, dated March 6, 2019, with the Office of Administrative Law Judges (“Office”), alleging Custom Design Cabinetry & Construction, Inc. (“Respondent”) violated the FLSA by employing one minor in violation of the child labor provisions and assessed \$1,765.00 in civil money penalties.

previously contested. Accordingly, the *Consent Findings* are hereby adopted and fully incorporated into this order and **APPROVED**. The hearing scheduled for August 26, 2020 is **CANCELLED**.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge