

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 10 February 2015

CASE NO.: 2015-LFS-00002

In the Matter of:

**IRENE GALLARDO and
HIGINIO GALLARDO,**
Petitioners,

vs.

**THE ARC OF LOS ANGELES AND
ORANGE COUNTIES,**
Respondent.

APPEARANCES:

Irene Gallardo
Higinio Gallardo
Petitioners

Chad Carlock, Esq.
For Respondent

Before: Christopher Larsen
Administrative Law Judge

DECISION AND ORDER

This is a Petition under 29 U.S.C. §214, subsection (c)(5)(A) and 29 C.F.R. §525.22 for the review of a special minimum wage. Petitioners Irene and Higinio Gallardo are the parents and guardians of Julianna Gallardo, a former employee of Respondent to whom, during her employment, Respondent paid a special minimum wage under 29 U.S.C. §214, subsection (c). The hearing on the Petition took place before me on February 6, 2015, in Long Beach, California.

Respondent presented written evidence (Respondent's Exhibits "A" through "H") and the testimony of witnesses Ashvin Patel, Chief Operations Officer, and Jesse Lopez, Accounting Clerk, both employees of Respondent, who described the computation of the special minimum wage, and Respondent's procedures for calculating payments under the special minimum wage. Petitioners cross-examined these witnesses and entered one document into evidence as Petitioners' Exhibit 1.

After considering the evidence of record and the arguments of the parties, I conclude the special minimum wage was justified.

This decision is without prejudice to any other claims Petitioners or their daughter, Julianna Gallardo, may have against Respondent. In particular, Petitioners argued at the hearing that Petitioners' Exhibit 1 suggests Respondent, on a particular day, may not have paid Julianna Gallardo the full special minimum wage to which she was entitled. I have no jurisdiction to decide a claim for wages earned but unpaid, and make no finding with respect to that claim. I merely find the "piece rate" special minimum wage, calculated by the methods Mr. Patel described at the hearing, is justified under 29 U.S.C. §214, subsection (c)(5)(A).

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: If you are dissatisfied with the administrative law judge's decision, you may file an appeal that is received by the Administrative Review Board ("Board"). To be timely, your appeal must be filed with the Board within thirty (30) days of the date of issuance of the administrative law judge's decision. *See* 29 C.F.R. § 580.13. The address for the Board is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the appeal with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001. *See* 29 C.F.R. § 580.13.

If no appeal is timely filed, then the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 580.12(e).