



Issue Date: 08 July 2019

Case Number: 2019-FLS-00007

In the Matter of:

**LOVE & JOY PERSONAL CARE HOMES,
SHEILA SWIRCZYNSKI AND LOVER
COMPTON, Individuals,
*Respondents.***

NOTICE OF DOCKETING

This case arises under the Fair Labor Standards Act (“FLSA”) of 1938, 29 U.S.C. § 201-219, and the implementing regulations at 29 C.F.R. Parts 578 and 580. The above-captioned case has been duly filed and docketed on July 3, 2019.

ORDER APPROVING CONSENT FINDINGS

On June 28, 2019, the attorney representing the Administrator, Wage and Hour Division, U.S. Department of Labor (“Plaintiff”) filed an *Order of Reference*.¹ Included with Plaintiff’s *Order of Reference* are *Consent Findings*, and a proposed *Decision and Order*. The *Consent Findings* aver that Respondents, without admitting any violations of the Act, agreed to withdraw their exception and request for hearing and pay a reduced civil money penalty in the amount of \$5,248.92.

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.

¹ Plaintiff investigated the above-named Respondents for the period November 3, 2014 to November 2, 2016, and issued an assessment letter on January 19, 2018 finding that they failed to pay 23 employees statutory overtime pay under Section 7 of the FLSA in the amount of \$7,434.37. The assessment letter avers that, at the conclusion of the investigation, Respondents agreed to pay \$7,362.93 in overtime to 22 of the 23 employees. However, Plaintiff still assessed \$6,111.50 in civil money penalties (“CMP”) against Respondents, who filed an exception and request for hearing by letter dated February 2, 2018.

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 previously contested. Accordingly, the *Consent Findings* are adopted and incorporated in full into this Order.

This matter is DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge