

U.S. Department of Labor

Office of Administrative Law Judges
36 E. 7th St., Suite 2525
Cincinnati, Ohio 45202

(513) 684-3252
(513) 684-6108 (FAX)



Issue Date: 19 December 2005

Case No. 2005-LCA-0015

In the Matter of

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

Complainant,

v.

GLENVILLE HEALTH FOUNDATION, et. al.,

Respondents.

DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This proceeding arises under the Immigration and Nationality Act of 1952, P.L. 82-414, 66 Stat. 163, as amended by the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978, and the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, P.L. 102-232, 105 Stat. 1733, as amended at 8 U.S.C. § 1101, et seq. ("INA"). Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by INA § 212(n)(2), U.S.C. § 1182(n)(2), ("Act") and 20 C.F.R. Part 655.800 et seq. with respect to the Respondents' request for a hearing involving alleged violations of the provisions of § 1182(n) of the Act.

On December 5, 2005, the parties submitted a Settlement Agreement and Consent Findings for approval by the undersigned. I have reviewed the agreement of the parties, and I enter the following findings:

1. The agreement appears to be fair and reasonable on its face and it further appears that it effectuates the purposes and policies of the statute under which it arises;

2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
3. The entire record on which this Decision and Order is based consists solely of the Complaint and the Settlement Agreement and Consent Findings between the parties;
4. The parties are hereby deemed to have waived any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Settlement Agreement; and,

Accordingly, IT IS ORDERED that:

1. Glenville Health Foundation and Dr. Emmanuel Tuffuor shall pay to the Administrator, in full and complete settlement of all issues raised in the Administrator's Determination Letter addressing their payment of requisite wages in this proceeding, the sum of \$104,120.00 representing an agreed amount of back wages to be paid to the H-1B non-immigrants identified in Appendix A of the Settlement Agreement and Consent Findings, civil money penalties, and interest.
2. Payment of the above amount by Glenville Health Foundation and Dr. Emmanuel Tuffuor to the Administrator shall be made according to the terms set forth in the Settlement Agreement and Consent Findings fully executed by the parties.
3. The Settlement Agreement and Consent Findings are hereby approved, and this case is DISMISSED with prejudice.

A

DANIEL J. ROKETENETZ
Administrative Law Judge

