

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 October 2006

Case No. 2006-LCA-22

In the Matter of

ADMINISTRATOR,
WAGE AND HOUR DIVISION,

Prosecuting Party,

v.

COMTEK INTERNATIONAL, INC.,

Respondent.

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 Comtek's request for a hearing involving alleged violations of the provisions of § 1182(n) of the Act.

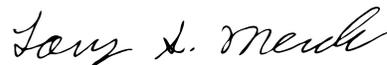
On October 16, 2006, the parties submitted a Settlement Agreement and Consent Findings for approval by the undersigned. I have reviewed the agreement of the parties, and I enter the following findings:

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. Comtek, International, Inc., shall pay to the Administrator, in full and complete settlement of all issues raised in the Administrator's Determination Letter addressing Comtek's payment of requisite wages in this proceeding, the sum of \$20,956.03 representing an agreed amount of back wages to be paid to the H-1B nonimmigrants identified in Appendix A of the Settlement Agreement and Consent Findings.
2. Payment of the above amount by Comtek to the Administrator shall be made according to the terms set forth in the Settlement Agreement and Consent Findings fully executed by the parties and attached hereto.
3. The Settlement Agreement and Consent Findings are hereby approved, and this case is DISMISSED with prejudice.



LARRY S. MERCK
Administrative Law Judge