

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 November 2006

Case No. 2006-LCA-00033

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,

Prosecuting Party,

v.

PEDIATRIC HEALTH CARE, INC., d/b/a
PEDIATRIC HEALTHCARE, and
DELIA SLAGA, M.D., Individually

Respondents.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This proceeding arises under the H-1B provisions (20 C.F.R. Part 655) of the Immigration and Nationality Act of 1952, amended by the Immigration Act of 1990 and the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (hereinafter referred to collectively as the "INA"), 8 U.S.C. § 1182(n), and its implementing regulations, which are located at 29 C.F.R. § 507.700 *et seq.* The Prosecuting Party determined that the Respondents failed to pay wages as required, failed to offer equal benefits or equal eligibility for benefits, required or accepted payment of the additional H-1B petition fee, failed to make available for public examination the Labor Condition Application and other documents, failed to maintain necessary documents and failed to cooperate in the investigation as required. The Respondents filed a timely request for hearing on September 19, 2006. Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by INA § 212(n), 8 U.S.C. § 1182(n) and 20 CFR Part 655.800 *et. seq.* with respect to Respondents' request for a hearing concerning the alleged violations of the provisions of § 1182(n) of the INA.

On November 21, 2006, the parties submitted a Settlement Agreement and Consent Findings. The agreement is signed by Tracy L. Schwab, counsel for the Prosecuting Party, and counsel for the Respondents, Robert J. Tscholl.

ORDER

Upon review of the record and the terms of the parties' consent findings, I find that the terms of the settlement are fair and reasonable. Accordingly, IT IS HEREBY ORDERED that:

1. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.
2. The entire record on which this Decision and Order is based consists solely of the Administrator's Determination Letter and the Settlement Agreement and Consent Findings executed by the parties.
3. 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.
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with the Settlement Agreement and Consent Findings are hereby waived.
5. The Determination Letter, and the parties' Settlement Agreement and Consent Findings, together with this Decision and Order, shall constitute the final administrative findings and order in this case.

A

DONALD W. MOSSER
Administrative Law Judge