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Issue Date: 08 April 2009

CASE NO.: 2008-LCA-42

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

TERASOFT INTERNATIONAL, INC.,
Respondent

**DECISION AND ORDER APPROVING CONSENT FINDINGS AND SETTLEMENT
AGREEMENT**

This proceeding arises under the H-1B provisions of the Immigration and Nationality Act of 1952, as amended by the Immigration Act of 1990, the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, and the American Competitiveness and Workforce Improvement Act of 1998, found at 8 U.S.C. §§ 1101, *et. seq.*, 8 U.S.C. § 1101(a)(15)(H)(i)(b) (“INA”), and the regulations thereunder at 20 C.F.R. Part 655. On July 21, 2008, the Administrator, Wage and Hour Division, United States Department of Labor (“Administrator”) issued a Determination Letter. The Administrator determined that the Respondent failed to pay wages as required; misrepresented a material fact on the Labor Condition Application; substantially failed to provide notice of the filing of the Labor Condition Application; failed to make the required displacement inquiry of the secondary employer; failed to maintain documentation; and failed to comply with the provisions of Subpart H and I. Respondents filed a timely request for a hearing on July 29, 2008. 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 C.F.R. §§ 655.800 *et. seq.* with respect to Respondent’s request for a hearing involving alleged violations of the provisions of INA §1182(n).

On March 24, 2009, the parties filed a Settlement Agreement and Consent Findings (“Agreement”) pursuant to 29 C.F.R. § 18.9. The parties request the entry of a Decision and Order based upon the Agreement. The Agreement is signed by Eileen R. Hurley, counsel for the Prosecuting Party, Charles H. Kuck, counsel for Respondent, and Venkat Akkina, Radhika Gadde, and Srinath Avula, co-owners of Respondent. The Administrator and Respondent have agreed to amend Violation Nos. 2, 3, and 4, as set forth in the Determination Letter and attached Summary of Violations and Remedies. The remaining violations and remedies set forth in the Determination Letter have not been amended. The Agreement resolves only those issues raised in the Determination Letter with respect to the Respondent’s compliance with the provisions of

the INA and applicable regulations for the period from January 1, 2005, to July 31, 2007. Respondent has agreed to pay \$43,500.00 in civil money penalties and \$71,732.82 in back wages.

I find the terms of the settlement agreement and consent findings to be fair and reasonable and in substantial compliance with the requirements of 29 C.F.R. § 18.9(b).

IT IS 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 upon which this Decision and Order is based shall consist solely of the Administrator's Determination Letter and the Parties' Settlement Agreement and Consent Findings executed by the parties.
3. Any further procedural steps before this Office and the Administrative Review Board are waived.
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, Parties' Settlement Agreement and Consent Findings, together with this Decision and Order, shall constitute the final administrative findings and order in this case.
6. The Settlement Agreement and Consent Findings are APPROVED.
7. The hearing scheduled for April 28, 2009 is CANCELLED.

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RICHARD A. MORGAN
Administrative Law Judge