



Issue Date: 23 April 2010

CASE NO.: 2009-LCA-00031

In the Matter of

ADMINISTRATOR , WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

**JUNO HEALTHCARE STAFFING SYSTEM, INC.
& DANTE TEODORO, Individually and as President of
JUNO HEALTHCARE STAFFING SYSTEM, INC.,**
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises under the Immigration and Nationality Act H-1B visa program (“the Act” or “INA”), 8 U.S.C. § 1101 (a)(15)(H)(I)(b) and § 1182(n), and the implementing regulations found at 20 C.F.R. Part 655, Subparts H and I, 20 C.F.R. § 655.700 et seq.

The U.S. Department of Labor, Wage and Hour Division issued a Determination Letter on July 7, 2009 alleging violations of the H-1B provisions of the INA to Respondents Juno Healthcare Staffing System, Inc., and Dante Teodoro (“Respondents”). On July 20, 2009, Respondents filed a timely request for hearing with respect to the allegations of violations set forth in the Determination Letter. The matter was assigned to me, and I scheduled a hearing to commence on April 13, 2010. The parties advised me that they reached an agreement on the issues in controversy in this matter, and I therefore canceled the hearing.

On April 12, 2010, the parties submitted consent findings in which Respondents as an entity and individually admitted that they violated the Act by failing to pay twenty-four (24) non-immigrants the required prevailing wage. In addition, Respondent admitted that they failed to make all necessary documentation available for inspection in violation of 20 C.F.R. §655.760(a). The parties agreed to resolve the instant dispute in the following manner:

1. Respondents shall pay back wages in the amount of \$307,495.61 plus \$3,174.75 in post-judgment interest, and \$38,250.00 plus \$111.64 in interest for civil money penalties, in accordance with Schedule A to the Consent Findings and in compliance with the payment plan set forth in the agreement signed by the parties. All payments shall be identified by “Case No. 1429618” and be delivered to:

U.S. Department of Labor
Wage and Hour Division
The Curtis Center, Suite 850 West
170 South Independence Mall West
Philadelphia, PA 19106-3317
Attn: Deborah Savage

2. All legal deductions shall be made by Respondents before remitting back wages, and any amounts that are undistributed because of the Respondents' inability to locate an individual or a representative shall be deposited with the Treasurer of the United States of America.
3. Respondents admit that the violations warrant disqualification from approval of any H-1B petitions and further agree to disqualification from approval of any petitions filed by or filed on behalf of Respondents for a period of two years.
4. The Administrator shall notify the Attorney General of the United States of the consent findings and Order pursuant to 20 C.F.R. §655.855.
5. Respondents agree to comply in all respects with the Act and applicable regulations in connection with any future H-1B application.
6. Respondents shall take no action to retaliate against any individual identified in the consent findings as entitled to an award of back wages.
7. Respondents shall not attempt to recoup any back wages or civil money penalties from H-1B non-immigrant workers.
8. Respondents' failure to carry out any portion of this settlement agreement shall subject Respondents to the statutory penalties for failure to meet a condition in the notice requirement and/or failure to otherwise comply with the regulations.
9. The entire record upon which any order entered into in conformance with this agreement shall consist of the Administrator's determination, Respondent's request for hearing, the consent findings and this Order.
10. The parties waive any further procedural steps before the Administrative Law Judge and waive any right to challenge or contest the validity of the Settlement Agreement and Consent Findings and Order entered into in accordance with this agreement.
11. This agreement shall fully and finally resolve all outstanding issues between the parties that were raised, or reasonably could have been raised, in the Administrator's determination of July 7, 2009.
12. Each party shall bear its own costs, attorney's fees, and expenses.

ORDER

The undersigned, having reviewed the Settlement Agreement and Consent Findings, concludes that this settlement is in the best interests of all the parties; and it is therefore ORDERED that the Settlement Agreement and Consent Findings are hereby APPROVED pursuant to the provisions of 29 C.F.R. § 507.840.

A

Janice K. Bullard
Administrative Law Judge

Cherry Hill, New Jersey