

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 June 2009

CASE NO.: 2009-LCA-8

In the Matter of:

WAGE and HOUR DIVISION,
Prosecuting Party

v.

MICROBYTES, INC.,
Respondent

DECISION AND ORDER

This is a proceeding under the H-1B provisions of the Immigration and Nationality Act, (“INA”), 8 U.S.C. § 1101(a)(15)(H)(1)(b) and the applicable regulations issued thereunder at 20 C.F.R. Part 655. The Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Respondent MicroBytes, Inc. (“Respondent”) have filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of the Administrator’s Determination Letter of December 8, 2008 (“Determination Letter”) regarding Respondent’s compliance with the H-1B provisions of the INA.

Respondent, without admitting any of the violations averred in the Determination Letter, has withdrawn its request for a hearing; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.9(b)(2), consist solely of the Determination Letter and the Consent Findings; and waived all further procedural rights as provided in 29 C.F.R. § 18.9(b)(3) and (4).

The Consent Findings are marked for identification as ALJ Exhibit No. 1, and are attached hereto and made a part hereof. The Court has examined the Consent Findings and concludes that all issues in contest between the Administrator and Respondent have been resolved.

Accordingly, IT IS ORDERED that the Consent Findings (ALJ Exhibit No. 1) be and the same hereby are APPROVED, AND

IT IS FURTHER ORDERED that wages in the total amount of \$5,000, to be paid by Respondent to its former employee Daljit Singh by cashier’s check or certified check in

accordance with the payment schedule set forth in the Consent Findings, shall be deemed to be full satisfaction of the back wage claim against Respondent arising out its employment of Singh.

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MICHAEL P. LESNIAK
Administrative Law Judge