

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 16 December 2009

CASE NO.: 2009-LCA-34

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

PRODIGY SOFTWARE GROUP, INC.,
Respondent

DECISION AND ORDER APPROVING CONSENT FINDINGS

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 Prodigy Software Group, 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 July 28, 2009 (“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Respondent, without admitting any of the violations averred in the Determination Letter, has withdrawn its request for a hearing; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.9(b)(2), consist solely of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. I have carefully reviewed the Consent Findings and determined that it is a fair, adequate and reasonable settlement of the complaint and that all issues in contest between the Administrator and Respondent have been resolved.

Accordingly, **IT IS ORDERED** that the Consent Findings be and the same hereby are **APPROVED**, and

IT IS FURTHER ORDERED that wages and fees in the total amount of \$60,621.02, to be paid by Respondent to its former employee Hiten Rajnikan Desai by cashier’s check or certified check in accordance with the installment payment schedule set forth in the Consent

Findings, shall be deemed to be full satisfaction of the back wage claim against Respondent arising out of its employment of Hiten Rajnikan Desai.

A

MICHAEL P. LESNIAK
Administrative Law Judge