

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 26 July 2011

CASE NO.: 2011-LCA-00049

In the Matter of:

ADMINISTRATOR, WAGE & HOUR DIVISION,
Prosecuting Party,

vs.

ATV, INC.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This proceeding arises out of the employee protection provisions of the enforcement provisions of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b) (“H-1B provisions”) and its implementing regulations at 20 C.F.R. Part 655, Subpart H. This matter is set for hearing on August 1, 2011, in Long Beach, California.

The Wage and Hour Division of the Department of Labor initiated an investigation of the Respondent and found various violations of the H-1B provisions of the Immigration and Nationality Act. The Administrator, Wage and Hour Division, issued a Determination on June 6, 2011, detailing the violations and finding that Respondent owed \$109,078.31 in back wages to three H-1B non-immigrant workers and assessed a civil money penalty in the amount of \$3,650. On June 27, 2011, the Respondent requested a hearing before the Office of Administrative Law Judges (“OALJ”) to challenge the Administrator’s Determination.

On July 25, 2011, the parties submitted a Joint Motion for Approval of Settlement in this matter. Submitted as part of the Joint Motion are Consent Findings which the parties have asked to be adopted as the OALJ findings. After review, the terms of the Consent Findings are fair and reasonable.

Thus, the Consent Findings submitted as part of the Joint Motion for Approval of Settlement are APPROVED and ADOPTED as findings of the Office of Administrative Law Judges. The parties are ORDERED to carry out the provisions of the terms of the settlement set out in their Joint Motion for Approval of Settlement. All dates are vacated.

SO ORDERED.

A

RICHARD M. CLARK
Administrative Law Judge