

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 May 2012

CASE NO.: 2011-LCA-13

In the Matter of:

ADMINISTRATOR,
WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,
Prosecuting Party,

v.

JCG TECHNOLOGIES, INC.,
Respondent

**DECISION AND ORDER APPROVING
CONSENT FINDINGS**

This proceeding arises 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. I was assigned the case on February 4, 2011. Hearings were scheduled for May 24, 2011 and September 27, 2011, in Clearwater, Florida. The hearing was postponed due to settlement discussions.

On May11, 2012, the parties submitted Consent Findings and Order.

Pursuant to 29 C.F.R. § 18.9(a), an administrative law judge must review factors including, “the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of reaching an agreement will result in a just disposition of the issues involved” in order to determine whether a settlement is in the best interest of the parties.

The undersigned, having reviewed the Consent Findings and all of the above-mentioned factors, concludes that this settlement is in the best interests of all the parties. Accordingly,

ORDER

It is hereby ORDERED that:

- (1) The terms and conditions contained in the above-mentioned Consent Findings are hereby APPROVED. Such terms and conditions are hereby incorporated by reference into this order;
- (2) The Consent Findings and Order shall have the same force and effect as an order made at a full hearing;
- (3) The entire record on which any Order may be based shall consist solely of the Determination Letter and the Consent Findings;
- (4) Any further procedural steps before this office and any right to contest the validity of the Consent Findings and this Order of Approval shall be waived by the parties;
- (5) The Consent Findings and this Order of Approval, shall become effective immediately upon the issuance of this order;
- (6) The fees, costs and expenses incurred in connection with all stages of this proceeding (including but not limited to attorney's fees which may be available under the Equal Access to Justice Act, as amended) shall be borne by each party, and;
- (7) That the additional amount agreed upon, set forth in the Consent Findings and Order, be paid by JCG Technologies, Inc., to the named employees or their representatives or to the United States Department of Labor, Wage and Hour Division by cashier's check or money order on or before August 15, 2012, if reasonable efforts to distribute the funds to the named employees fails, which shall be deemed to be full satisfaction of the remaining back wage claim against JCG Technologies, INC., arising out of its employment of the named immigrants; and
- (8) The Respondent pay the amended civil monetary penalty no later than ten days after receipt of this Decision and Order.

A

RICHARD A. MORGAN
Administrative Law Judge