



Issue Date: 20 February 2013

Case No.: 2012-LCA-00052

In the Matter of:

**ADMINISTRATOR,
WAGE AND HOUR DIVISION**
Prosecuting Party

v.

CSG APPAREL, LLC
Respondent

**FINAL ORDER ADOPTING PARTIES'
CONSENT FINDINGS**

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

On January 30, 2013, counsel for the Administrator submitted the parties’ executed *Consent Findings*. The parties’ filing contains the following stipulations:

1. This action arises under the Immigration and Nationality Act of 1952, Pt. 82-414, 66 Stat. 163, codified as amended at 8 USC § 1101 *et seq.* (the “INA”), as amended by the Immigration Act of 1990, Pt. 101-649, 104 Stat. 4978, the Miscellaneous Technical Immigration and Naturalization Amendments of 1991, P.L. 101-232, 105 Stat. 1733, and the American Competitiveness and Workforce Improvement Act of 1998, P.L. 105-277, 112 Stat. 2861-641. Jurisdiction over the hearing in this matter is vested in the U.S. Department of Labor, Office of Administrative Law Judges, by the INA at § 212(n)(2) and 20 C.F.R. §§ 655.820-840.
2. On July 11, 2012, the Acting Administrator issued the Determination Letter to CSG Apparel, Inc. (“CSG”) alleging violation of the H-1B provisions of the INA and 20 C.F.R. Part 655.
3. On July 26, 2012, CSG filed a timely request for a hearing with respect to the allegations of violation set forth in the Determination Letter.

4. CSG withdraws its exception to the Determination Letter and agrees to pay \$12,000.00 in back wages to Mr. Abhishek Choudhary, in a single payment, by certified check on or before February 22, 2013. CSG shall make its certified check payable to “Wage and Hour Division - Labor” and shall forward its payment to the following address:

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

“Case No. 1624410” shall be written on the memo line on the face of the check.

The Acting Administrator shall deliver the proceeds of the check less any legal deductions to Mr. Choudhary. Any portion of the back wages payment that is paid by CSG but remains undistributed for one year because of the parties’ inability to locate Mr. Choudhary or Mr. Choudhary’s representative shall be deposited with the Treasurer of the United States.

5. In the event that the back wages payment specified in Paragraph 4 of these Consent Findings and Order is not received by the U.S. Department of Labor, Wage and Hour Division by February 22, 2013, the Acting Administrator may enforce these Consent Findings and Order by filing for a Judgment in an action under the Federal Debt Collection Procedures Act (28 U.S.C. § 3001 *et seq.*), an action in contract, an action for debt, an action to enforce a civil fine, penalty or pecuniary forfeiture (28 U.S.C. § 2461), or pursuant to any other applicable cause of action. A decision by the Acting Administrator or the Secretary of Labor not to seek immediate enforcement of this provision shall not be deemed a waiver of this provision.
6. CSG admits that it failed to pay wages as required, in violation of 20 C.F.R. § 655.731 and 20 C.F.R. § 655.805(a)(2).
7. CSG agrees to comply in the future with all applicable provisions of the INA and its implementing regulations.
8. In recognition of the obligations set forth in 20 C.F.R. § 655.801, CSG agrees to take no action to retaliate against any of its past present or future employees.
9. CSG agrees that it will not attempt to recoup any portion of the back wages payment from any of its past, present or future employees.
10. The parties agree that the Order disposing of this proceeding in accordance with these Consent Findings shall have the same force and effect as an Order made after a full hearing.

11. The entire record forming the basis on which the Order is entered shall consist of the Determination Letter and attachments thereto and these Consent Findings and Order.
12. The parties to these Consent Findings and Order hereby waive all further procedural steps before an Administrative Law Judge of the U.S. Department of Labor regarding this matter.
13. The parties to these Consent Findings and Order hereby waive any right to challenge or contest the validity of these Consent Findings ad Order.
14. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including, but not limited to, attorney's fees that may be available under the Equal Access to Justice Act, as amended.
15. All violations alleged in the Determination Letter issued by the Acting Administrator shall be deemed fully resolved by these Consent Findings ad Order.
16. These Consent Findings and Order shall become final immediately upon approval by the Administrative Law Judge.

I adopt the parties' stipulations as set forth above as my findings of fact. Accordingly, this matter is hereby **CLOSED**.

SO ORDERED.

THERESA C. TIMLIN
Administrative Law Judge

Cherry Hill, New Jersey