



Issue Date: 13 August 2012

Case No.: 2012-LCA-00032

In the Matter of

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

v.

**RANDOLPH SCHOOL OF GYMNASTICS/
ROCKAWAY GYMNASTICS ACADEMY**
Respondent

**FINAL ORDER APPROVING THE PARTIES'
SETTLEMENT AGREEMENT AND CONSENT FINDINGS**

This matter involves 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. A hearing is presently set to commence on August 14, 2012, in New York, New York.

On August 1, 2012, the original Settlement Agreement and Consent Findings were received in the Cherry Hill, New Jersey Office of Administrative Law Judges for my approval. Having reviewed the parties' Consent Findings which are hereby incorporated by reference, I make the following findings:

- 1) The Consent Findings appear to be fair and reasonable, and reflect a fair and reasonable settlement.
- 2) Respondent admits that it failed to pay four (4) H-1B non-immigrants the required prevailing wage as required by 8 U.S.C. § 1182(n)(2)(C)(vii) and 20 C.F.R. § 655.731 and 655.805(a)(2) in the amount of \$99,928.13.
- 3) Respondent paid \$49,246.36 in back wages to two of the H-1B non-immigrants prior to the issuance of the Determination Letter.
- 4) The Respondent agrees to pay the remaining \$50,681.77, plus interest in the amount of \$475.85, in back wages to the two individuals listed on Schedule A for a total of \$51,157.62.
- 5) The parties agree that an Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing pursuant to 20 C.F.R. § 655.840 in accordance with 29 C.F.R. § 18.9(b)(1).

6) Each party agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

7)

Accordingly, I hereby **APPROVE** the parties' Consent Findings.

The hearing scheduled for August 14, 2012 is **CANCELLED**.

A

Adele H. Odegard
Administrative Law Judge

Cherry Hill, New Jersey