



**Issue Date: 10 April 2013**

Case No.: 2012-LCA-00021

*In the Matter of:*

**PACKET ONE, LLC,**  
*Respondent*

**ORDER APPROVING CONSENT FINDINGS**

This matter arises under the Immigration and Nationality Act, as amended, 8 U.S.C. §§ 1101 and 1182, and the implementing regulations at 20 C.F.R. Part 655, Subparts H and I.

On January 30, 2012, the District Director of the Wage and Hour Division (WHD), U.S. Department of Labor, Detroit, Michigan, issued a Determination that Respondent Packet-One, LLC, violated several H-1B regulations at 20 C.F.R. Part 655. The District Director issued a civil money penalty in the amount of \$19,858.00 against Respondent for back wages owed to one H-1B nonimmigrant.

On February 13, 2012, Respondent filed a request with this Office for a hearing on the District Director's Determination. On March 2, 2012, this case was assigned to me and I ordered the parties to exchange certain pre-hearing information within 30 days of the hearing date. I subsequently set a hearing on this matter to commence on November 14, 2012 in Ann Arbor, Michigan.

On October 31, 2012, the parties filed a joint motion to continue the hearing in order to give them time to settle this matter. I granted the parties request and set a new hearing to commence on March 12, 2013. That hearing date was subsequently canceled upon the parties' representation that they had resolved this matter.

On April 5, 2013, the parties filed a Settlement Agreement and Consent Findings. Section 18.9(d) of Title 29, C.F.R. provides that the presiding Administrative Law Judge shall approve any agreement containing consent findings if he or she "is satisfied with its form and substance." 29 C.F.R. 18.9(d). After reviewing the terms of the agreement, I am satisfied that the agreement conforms to the requirements set forth in §18.9(b)(1)-(4) and is a satisfactory resolution of the issues previously contested. The terms of the Settlement Agreement and Consent Findings filed with this Office on March 4, 2013 are hereby approved.

Accordingly, IT IS ORDERED:

1. Respondent shall pay to the Administrator, in full and complete settlement of the monetary issues raised in the Administrator's Determination Letter, the amount of \$10,000.00 in back wages plus interest, which shall be paid to the Administrator of the Wage and Hour Division on behalf of the individual identified in Appendix A to the Settlement Agreement and Consent Findings;
2. Respondent shall pay the back wages plus interest to the Administrator by certified check or cashier's check in the monthly amount of \$837.85 according to the schedule set forth in Appendix A to the Settlement Agreement and Consent Findings, and shall send said monthly payments to the address set forth in Paragraph 6 of the Settlement Agreement and Consent Findings;
3. WHD shall distribute the back wages referred to herein, or the proceeds thereof, to the person named in Appendix A to the Settlement Agreement and Consent Findings or to that person's estate, if necessary. WHD shall deduct from the gross back wage amounts the employee's share of FICA, Medicare and federal withholding taxes (Respondent shall be responsible for the employer's share of FICA, Medicare and other required federal and state tax obligations and any other statutory or regulatory payment obligations not otherwise named herein). Any amounts of unpaid compensation not so paid within a period of three (3) years from the date of receipt thereof because of inability to locate the proper person or because of their refusal to accept it shall be paid into the Treasury of the United States as miscellaneous receipts;
4. Should Respondent fail to make any of the previously referenced payments on or before the due dates provided in Appendix A to the Settlement Agreement and Consent Findings, the entire outstanding amount of back wages referenced herein shall become immediately due and payable without further notice or demand by the Administrator to Respondent. Furthermore, Respondent shall pay all costs and expenses incurred by the Administrator in enforcing the terms and conditions of the Settlement Agreement and Consent Findings. Any defaulted balance shall be subject to the assessment of interest and penalties at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134), 31 U.S.C. § 3711, published by the Secretary of the Treasury in the Federal Register; other delinquent charges and administrative costs shall also be assessed. In the event of any default, the Administrator and/or Secretary of Labor will pursue enforcement of the Settlement Agreement and Consent Findings and/or any additional collection action that may include, but is not limited to, administrative offset, referral of the account to credit reporting agencies, private collection agencies, and/or the Department of Justice;
5. Respondent shall comply with the provisions of the INA and the applicable regulations in the future with respect to Respondent's petitioning for and employing H-1B nonimmigrant workers;
6. Each party shall bear its own costs, attorney's fees and other expenses related to this proceeding; and

7. All other provisions of the Settlement Agreement and Consent Findings are incorporated herein by reference.

**SO ORDERED.**

**PAUL C. JOHNSON, JR.**  
Associate Chief Administrative Law Judge