

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 14 May 2012

Case No.: 2012-LCA-00020

In the Matter of:

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

v.

**R SQUARE, INC. and
SANDEEP SHARMA, President**

**FINAL ORDER APPROVING PARTIES'
CONSENT FINDINGS**

This is a proceeding under the H-1B provisions of the Immigration and Nationality Act, ("INA"), 8 U.S.C. § 1101(a)(15)(H)(i)(b), and the applicable regulations issued thereunder at 20 C.F.R. Part 655. The Administrator, U.S. Department of Labor, Wage and Hour Division ("Administrator") and Respondent, R Square, Inc. ("Respondent") have filed Consent Findings resolving all issues in dispute in this case relating to Respondents contest of the Administrators Determination Letter of October 20, 2011 ("Determination Letter") regarding Respondent's compliance with the H-1B provisions of the INA.

Respondent has withdrawn its request for a hearing; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.9(b)(2), consist solely of the Determination Letter and the Consent Findings; and waived all further procedural rights as provided in 29 C.F.R. § 18.9(b)(3) and (4).

I have examined the Consent Findings and conclude that all issues in contest between the Administrator and Respondent have been resolved. Accordingly, I hereby ORDER the following:

1. The Consent Findings are hereby approved and adopted as my findings of fact;
2. On March 15, 2007, Respondent R. SQUARE, INC. ("Respondent") signed a Labor Condition Application attesting that it would pay the higher of the prevailing wage or the actual wage to one H-1B nonimmigrant "Programmer Analyst." The Labor Condition Application filed by Respondent was issued ETA

Case No. 1-07074-3118731 and indicated that the prevailing wage for the position was \$45,677 per year.

3. In order to avoid the expense and cost of a trial and litigation before the administrative courts, Respondent R. SQUARE, INC. agrees to pay \$20,000 to Kalpana Thiruverkadu. The payment is not an admission of Respondent R SQUARE, INC. of any wrongdoing or of any back wages due. Respondent shall make payment of the back wages on or before May 15, 2012 by forwarding a certified check in the amount of \$20,000, less the appropriate deductions for social security and withholding taxes.
4. Respondent shall provide to the Administrator proof of payment of the back wages.
5. The parties agree that an 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 pursuant to 20 C.F.R. § 655.840 in accordance with 29 C.F.R. § 18.9(b)(1).
6. The entire record on which this Order may be based shall consist solely of the Determination Letter and these Consent Findings and Order (29 C.F.R. § 18.9(b)(2)).
7. The parties hereby waive any further procedural steps before an Administrative Law Judge of the U.S. Department of Labor regarding this matter (29 C.F.R. § 18.9(b)(3)).
8. The parties hereby waive any right to challenge or contest the validity of these findings and order entered into in accordance with the agreement (29 C.F.R. § 18.9(b)(4)).
9. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.
10. The hearing scheduled for June 5, 2012 in Cherry Hill, New Jersey is hereby CANCELED.

SO ORDERED.

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LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey