



**Issue Date: 25 July 2012**

Case No.: 2012-LCA-00029

In the Matter of:

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

v.

**SCUBE INFOTECH, INC.**  
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.* The hearing is scheduled to commence on August 6, 2012 in Cherry Hill, New Jersey.

On July 20, 2012, counsel for the Administrator submitted the parties’ executed *Consent Findings*. The parties’ filing contains the following stipulations:

1. On March 30, 2009, the United States Department of Labor, Division of Foreign Labor Certification approved a Labor Condition Application (“LCA”) filed by Respondent SCUBE INFOTECH, INC. (“Respondent”). In that LCA, Respondent attested that it would pay the higher of the prevailing wage or the actual wage to one H-1B nonimmigrant “NETWORK ADMINISTRATOR.” The Labor Condition Application filed by Respondent was issued ETA Case No. 1-09089-4867927 and indicated that the prevailing wage for the position was \$58,094 per year.
2. Respondent failed to pay one H-1B nonimmigrant, Vandana Singhal, the required prevailing wage as required by 8 U.S.C. §1182(n)(2)(C)(vii) and 20 C.F.R. § 655.73 1.
2. As a result of Respondent’s failure to pay required wages, the amount of \$3,768.55 is due to Vandana Singhal.
4. Respondent agrees to pay \$3,768.55 in back wages to Vandana Singhal. Respondent shall make payment of the back wages via direct deposit to Ms.

Singhal, less the appropriate deductions for social security and withholding taxes, on or before August 1, 2012.

5. Respondent shall send proof of payment of the back wages to the following address:

U.S. Department of Labor  
Wage and Hour Division  
3131 Princeton Pike  
Building 5, Room 216  
Lawrenceville, NJ 08648  
Attn: Patrick Reilly, District Director

6. 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).
7. 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)).
8. 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.(b)(3)).
9. Respondent hereby waives 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)).
10. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

I adopt the parties' stipulations as set forth above as my findings of fact. Accordingly, this matter is hereby **CLOSED** and the hearing scheduled for August 6, 2012 is **CANCELLED**.

SO ORDERED.

**A**

**THERESA C. TIMLIN**  
Administrative Law Judge

Cherry Hill, New Jersey