



Issue Date: 11 January 2012

Case No.: 2012-LCA-00004

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party

v.

WOODBRIIDGE NURSING PAVILION
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 January 24, 2012, in Chicago, Illinois.

On January 6, 2012, a member of my staff contacted counsel for the Prosecuting Party and was advised the parties had settled the matter. Counsel stated the Settlement Agreement and Consent Findings were forwarded to our office on January 5, 2012. Counsel was requested to forward a copy of the Settlement Agreement and Consent Findings, via facsimile, and this was received on January 6, 2012. On January 9, 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, I make the following findings:

- 1) The Consent Findings appear to be fair and reasonable, and reflect a fair and reasonable settlement.
- 2) The Administrator and Respondent agree that the back wage award set forth in the Administrator's Determination Letter of September 16, 2011 is amended to \$47,500.00.
- 3) Except for the amount of back wages (which has been amended per the provision above), the parties agree that I will affirm each of the violations and all remedies described and provided in the Administrator's Determination Letter of September 16, 2011.
- 4) The Respondent withdraws its Request for Hearing and has paid to the Administrator, in full and complete settlement of all issues raised in the Administrator's September

- 16, 2011 Determination Letter, the sum of \$47,500.00 due to the nonimmigrant employee.
- 5) The Wage and Hour Division will distribute the back wage amount to the H-1B nonimmigrant employee, less applicable deductions.
 - 6) This Settlement Agreement resolves only those issues raised in the Administrator's Determination of September 16, 2011, with respect to the Respondent's compliance with the INA and applicable regulations.
 - 7) The Respondent agrees to comply with the provisions of the INA and the applicable regulations with respect to petitioning for and employing H-1B nonimmigrants, and also agrees not to take certain specified actions against employees based on the agreement or the INA.
 - 8) The parties each agree to bear their own attorney fees and other expenses incurred by these proceedings.

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

The hearing scheduled for January 24, 2012 in Chicago, Illinois is **CANCELLED**.

A

Adele H. Odegard
Administrative Law Judge

Cherry Hill, New Jersey