

U.S. Department of Labor

Office of Administrative Law Judges
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Washington, DC 20001-8002

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Issue Date: 28 August 2015

In the Matter of
ADMINISTRATOR
WAGE AND HOUR DIVISION
Prosecuting Party

v

2015 LCA 00017

AVICIENNA ACCOUNTING
Respondent

Matthew R Epstein, Esquire
For the Administrator

David Mahadavi, Esquire
For the Respondent

ORDER
APPROVING STIPULATIONS

This H-1b Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101(a)(15)(H)(i)(B) and 1182(n) case was scheduled for hearing for July 28, 2015. In a telephone conference July 24, 2015, I was advised that the case had settled, and I entered an order cancelling the hearing.

Foreign workers hired pursuant to this provision are commonly referred to as “H-1B workers” or “H-1B nonimmigrants.” An employer seeking to employ a foreign worker under this program must file a Labor Condition Application (LCA) with the U.S. Department of Labor (DOL). See 8 U.S.C. § 1182(n)(1); 20 C.F.R. §§ 655.731, 655.733. By completing and signing the LCA, an employer makes certain representations and attestations about the wages, working conditions, and benefits it will provide to H-1B workers.

A consent order was received August 28, 2015.

By entering into consent findings, the parties have accepted certain obligations and agreed to specific actions which resolve all existing issues. Having carefully considered the provisions of the Consent Findings, I conclude that the resolution is fair and legally sufficient.

Accordingly, after having been fully advised in these premises, I approve the agreement. The Approved Consent Order shall constitute the final administrative order in this case.

ORDER

The terms and conditions set forth in the Consent Findings are **AFFIRMED**.

This action is **DISMISSED WITH PREJUDICE**; and each party shall bear his or its own costs, expenses, and attorney fees incurred in connection with this action.

SO ORDERED

DANIEL F. SOLOMON
ADMINISTRATIVE LAW JUDGE

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.76(a). The Board’s address is:

Administrative Review Board
U.S. Department of Labor
Room S-5220
200 Constitution Ave, NW
Washington, D.C. 20210

At the time you file the Petition with the Board, you must serve it on all parties to the case as well as the administrative law judge. 20 C.F.R. § 655.76(a).

No particular form is prescribed for the Petition, however, any such petition shall:

- (1) Be dated;
- (2) Be typewritten or legibly written;
- (3) Specify the issue or issues stated in the administrative law judge decision and order giving rise to such petition;
- (4) State the specific reason or reasons why the party petitioning for review believes such decision and order are in error;
- (5) Be signed by the party filing the petition or by an authorized representative of such party;
- (6) Include the address at which such party or authorized representative desires to receive

further communications relating thereto; and

(7) Attach copies of the administrative law judge's decision and order, and any other record documents which would assist the Board in determining whether review is warranted.

20 C.F.R. § 655.76(b). If the Board determines that it will review the decision and order, it will issue a notice specifying (1) The issue or issues to be reviewed; (2) The form in which submissions shall be made by the parties (e.g., briefs); and (3) The time within which such submissions shall be made. When filing any document with the Board, the party must file an original and two copies of the document. 20 C.F.R. § 655.76(e).