

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Washington, DC 20001-8002

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**Issue Date: 24 March 2017**

*In the Matter of:*

**DEPARTMENT of LABOR  
WAGE AND HOUR DIVISION**

*Claimant,*

**v.**

**Case No.: 2016-LCA-00023**

**INDUSTRIAL ELECTRONICS LLC**

*Respondent.*

Donna Sonner, Esquire

*For Department of Labor*

Yuriy Osyka, Non attorney representative

*For Respondent*

**DECISION AND ORDER APPROVING CONSENT JUDGMENT**

This (H)(1)(B) and 1182(n) immigration visa case came to hearing on December 20 and 21, 2016 in Louisville, Kentucky. After the hearing, I left the record open for briefing. Meanwhile, the parties participated in settlement judge proceedings. On March 22, 2017, I received a proposed consent order.

The Administrator, Wage and Hour Division, United States Department of Labor issued a Determination Letter in the above referenced matter pursuant to 20 C.F.R. Part 655 under the H-1B provisions of the Immigration and Nationality Act (INA), finding that the Respondent violated 20 C.F.R. 655.731(c)(1) by failing to pay wages as required. The Administrator determined that \$88,314.55 in back wages was due three former H-1B employees of Industrial Electronics, LLC: Anatoliy Kovtun, Oleksandr Makarov, and Leonid Stogniienko.

Industrial Electronics, LLC, without admitting the allegations of the complainant, now wishes to resolve this matter by entry of this Final Judgment. The Court enters this Final Judgment based upon the terms and conditions agreed to by the parties as a final adjudication of all claims asserted by the respondent in this action.

Based on the representation of the parties, I find:

The Respondent will pay a total of \$40,000.00 in back wages via cashiers' checks. The cashiers' checks should be made payable to each individual employee or U.S. Department of Labor with the case name and case number printed on the checks. The first installment shall be paid as follows on or before March 24, 2017, by three separate cashier's checks payable to "employee's name or U.S. Department of Labor". Mr. Kovtun will receive a cashier's check for \$11,811.14, minus legal payroll deductions for FICA and taxes; Mr. Makarov will receive a cashier's check for \$12,424.81, minus legal payroll

deductions for FICA and taxes; Mr. Stogniienko will receive a cashier's check for \$5,764.05, minus legal payroll deductions for FICA and taxes. Respondent will be responsible for the employer's share of payroll taxes.

The second installment shall be paid as follows on or before April 24, 2017, by three separate cashier's checks payable to "employee's name or U.S. Department of Labor". Mr. Kovtun will receive a cashier's check for \$3,937.05, minus legal payroll deductions for FICA and taxes; Mr. Makarov will receive a cashier's check for \$4,141.60, minus legal payroll deductions for FICA and taxes; Mr. Stogniienko will receive a cashier's check for \$1,921.35, minus legal payroll deductions for FICA and taxes. Respondent will be responsible for the employer's share of payroll taxes.

The checks should be delivered or mailed to Karen Garnett, District Director, U.S. Department of Labor, Wage and Hour Division, 600 Dr. Martin Luther King, Jr. Place, Room 352, Louisville, Kentucky 40202. The first checks will not be cashed until entry of the Final Judgment.

The parties shall bear their own costs (including, but not limited to, attorney's fees) incurred in connection with the investigation, prosecution and defense of this action. With regard to the instant case only, Industrial Electronics, LLC, as well as Yuriy Osyka and Nataliya Osyka as evidenced by their signatures below, waive any counterclaims and defenses raised during the course of these proceedings against Anatoliy Kovtun, Oleksandr Makarov, and Leonid Stogniienko.

The parties represent that this Final Judgment shall have the same force and effect as an Order made after full hearing. The parties waive any further procedural steps, and waive the right to challenge or contest the validity of this Final Judgment.

## **ORDER**

The terms and conditions set forth above are **AFFIRMED**.

This action is **DISMISSED WITH PREJUDICE**.

**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).

