



Issue Date: 16 August 2017

CASE NO.: 2017-LCA-00012

In the Matter of:

RAMI BESHAI,
Prosecuting Party,

v.

THE CHILDREN'S DENTAL CENTER,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This matter arises under the H-1B provisions of the INA, as amended, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b) *et seq.*, 1184(c)(14), and 20 C.F.R. Part 655, subpart A (2008) and the applicable procedural regulations at 29 C.F.R. Part 503 (2015). The hearing is scheduled for November 8 and 9, 2017, in Long Beach, California. The Administrator issued a Notice of Determination on April 27, 2017, finding that Respondent had not committed any violation of the H-1B statute or regulations. Rami Beshai (Prosecuting Party) timely requested a hearing at this Office.

On August 11, 2017, the parties submitted a request for a consent order of dismissal without attaching the settlement agreement. On August 14, 2017, Steven Krieger, attorney for Mr. Beshai, submitted a Confidential Settlement and General Release Agreement that resolved all issues in this matter. The settlement agreement did not specifically reference the requirements of 29 C.F.R. § 503.49, but as I read the agreement, I find that the requirements of that regulation have been met.

Based upon the settlement agreement, I find this order approving the settlement agreement shall have the same force and effect as an order made after full hearing and that the entire record on which this order approving the settlement agreement consists solely of the determination letter and settlement agreement. Further, based upon the settlement agreement, I find that the parties have waived any further procedural steps before the administrative law judge and the Administrative Review Board and waived the right to challenge or contest the validity of the settlement agreement and any order entered into in accordance with the agreement.

The settlement agreement includes a confidentiality provision agreed to by the parties, but I note that the settlement agreement is subject to disclosure under the Freedom of Information Act ("FOIA"). *See* 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The settlement agreement also includes a general release of

liability, which resolves matters under a multitude of laws other than H-1B. My authority is limited to the statutes that are within my jurisdiction, and I have, therefore, restricted my review of the settlement agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this H-1B matter. *Mann v. Schwan's Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 4 (ARB Dec. 31, 2008).

I have reviewed the settlement agreement submitted by the parties and find the terms and conditions to be fair, adequate and reasonable, and I am satisfied with their form and substance. I approve the settlement agreement and adopt the terms and conditions as findings by this Office and incorporate them into this Order. The parties are ordered to carry out the provisions of the terms found in the settlement agreement. All dates are vacated. The matter is dismissed with prejudice.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge