



Issue Date: 12 December 2018

Case No.: 2018-LCA-00033

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party

v.

DATABOSS INTERNATIONAL CORPORATION
Respondent

DECISION AND ORDER APPROVING CONSENT FINDINGS

The above-captioned matter has been docketed for a hearing before the United States Department of Labor, Office of Administrative Law Judges (“OALJ”) and concerns an alleged violation of H-1B Specialty Occupations regulatory requirements under the provisions of the Immigration and Naturalization Act (“INA”), 8 U.S.C. § 1182(n) and 20 C.F.R. Part 655, Subparts H & I. OALJ’s “Rules of Practice and Procedure” will apply unless modified in by order of the administrative law judge. *See* 20 C.F.R. § 655.825(a), 29 C.F.R. Part 18A. Formal rules of evidence do not apply. *See* 20 C.F.R. § 655.825(b).

On December 10, 2018, counsel for the Administrator submitted the parties’ executed Consent Findings.

I have reviewed the parties’ Consent Findings, and have determined them to be fair and adequate. Accordingly, the following is **ORDERED**:

- 1) The Consent Findings is Approved and its terms are adopted and incorporated herein by reference;
- 2) The parties shall comply with each and every term contained in the Consent Findings;
- 3) Respondent agrees to comply in all aspects with the Act and applicable regulations in the future;
- 4) The entire record upon which this Order was issued consists of the Administrator’s determination and the Consent Findings;
- 5) The parties waive any future right to challenge or contest the validity of the Consent Findings, this Order, and any other order issued in accordance with the Consent Findings;

- 6) This Order disposing of this proceeding in accordance with the parties' 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 20 C.F.R. § 18.71(b)(1);
- 7) Each party shall bear its own costs, attorney's fees and expenses incurred by such party in connection with any stage of this proceeding, including but not limited to, attorney's fees;
- 8) The Consent Findings and this Order shall comprise my findings of fact and conclusions of law and shall constitute the full, final, and complete adjudication of this proceeding; and

The parties' executed Consent Findings have been reviewed and determined to be fair and adequate. Accordingly, the parties' Consent Findings are **APPROVED** and will be included in the record.

The hearing scheduled for January 29, 2019 is CANCELED.

SO ORDERED.

LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill New Jersey

NOTICE OF APPEAL RIGHTS: Any interested party desiring review of this Decision and Order may file a petition for review with the Administrative Review Board (Board) pursuant to 20 C.F.R. § 655.845.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions

electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: Boards-EFSR-Help@dol.gov

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition only one copy need be uploaded.

If no petition for review is filed, this Decision and Order becomes the final order of the Secretary of Labor. See 20 C.F.R. § 655.840(a). If a petition for review is timely filed, this Decision and Order shall be inoperative unless and until the Board issues an order affirming it, or, unless and until 30 calendar days have passed after the Board's receipt of the petition and the Board has not issued notice to the parties that it will review this Decision and Order.