

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 03 December 2018

CASE NO.: 2018-LCA-00035

In the Matter of:

WAGE AND HOUR DIVISION,
Prosecuting Party

v.

WS ATKINS, INC.,
Respondent

DECISION AND ORDER

The Prosecuting Party, the Administrator of the Wage and Hour Division of the United States Department of Labor (Administrator), and Respondent, WS Atkins, Inc. (WS Atkins), have negotiated and executed these Consent Findings (a copy of which is appended hereto and the recitations of which are deemed to constitute any findings and conclusions), pursuant to 29 C.F.R. § 18.9. These Consent Findings constitute a full and final resolution of this action and of the debarment penalty contained in the Determination Letter issued to WS Atkins on August 23, 2018 with respect to the H1B provisions of the Immigration and Naturalization Act, as amended, under 8 U.S.C. § 1182(n) as well as its corresponding regulation requirement at 20 C.F.R. §§ 655.700 *et seq.*

Accordingly, it is **ORDERED**:

- (1) The hearing currently scheduled for **February 11, 2019 – February 12, 2019** in St. Paul, Minnesota is **CANCELLED**;
- (2) That the Consent Findings be and the same hereby are **APPROVED**; and
- (3) That the parties be and are bound by the terms of said instrument and shall comply therewith.

Finally, it is **ORDERED** that the Consent Findings be made part of the record.

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. To be effective, such petition shall be received by the Board within thirty (30) calendar days of the date of this Decision and Order. Copies of the petition shall be

served on all parties and on the administrative law judge. Once an appeal is filed, all inquiries and correspondence should be directed to the Board. The Board's address is:

Administrative Review Board
Room S-5220
200 Constitution Avenue, NW
Washington, DC 20210

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. 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. If a document is sent via eFile, no paper copies need be filed. 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 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.

IT IS SO ORDERED.

PATRICIA J. DAUM
Administrative Law Judge