

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 31 January 2020

CASE NO.: 2019-LCA-00030

In the Matter of:

**ADMINISTRATOR, WAGE & HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,**
Prosecuting Party,

v.

GRANDISON MANAGEMENT, INC.,
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND CONSENT FINDINGS**

This case arises from a request for hearing filed by Respondent in the above-captioned matter, which involves the enforcement of an H-1B Labor Condition Application by the Administrator, Wage & Hour Division, United States Department of Labor (“Administrator” or “Prosecuting Party”), under Section 212(n) of the Immigration and Nationality Act, 8 U.S.C. §1182(n), as amended (“INA”), and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart I.

On August 9, 2019, the Prosecuting Party issued a Determination Letter finding Respondent committed several violations of the H-1B provisions of the INA, including failure to pay wages as required. On January 28, 2020, the parties filed a document entitled “Consent Findings and Order,” (“Consent Findings”), in which the parties represent they have reached an accord to resolve this matter.

Based upon the entire record in this proceeding and my review of the Consent Findings, I find the terms are fair and reasonable and in substantial compliance with 29 C.F.R. § 18.71(b), and it is hereby **APPROVED**.

Pursuant to the Consent Findings, the following Order shall enter:

- (1) The Consent Findings are **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 pay \$12,500.00 in settlement of back wages owed to one H-1B nonimmigrant employee, Jan Cupid Musa (“Mr. Musa”), and said wages will be paid by Respondent in accordance with the Consent Findings on or before February 7, 2020, pursuant to the schedule set forth in the Consent Findings;
- (4) Respondent agrees to pay a civil money penalty in the amount \$1,000.00 to the Administrator, and said payment will be paid by Respondent in accordance with the Consent Findings on or before February 7, 2020, pursuant to the schedule set forth in the Consent Findings;
- (5) Respondent agrees to comply in all respects with the Act and applicable regulations in the future;
- (6) Respondent agrees to reassess the job duties and responsibilities of all its H-1B employees every two years and, if appropriate, to increase employees’ actual wage rates to at least the applicable Level 2 or higher prevailing wage rate;
- (7) The entire record upon which this Order is issued consists of the Administrator’s Determination Letter and the Consent Findings;
- (8) The parties waive any further procedural steps before an administrative law judge of the U.S. Department of Labor regarding this matter;
- (9) Respondent waives any right to challenge or contest the validity of the Consent Findings, this Order, and any other order issued in accordance with the Consent Findings;
- (10) 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 29 C.F.R. § 18.71(b)(1);
- (11) 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 which may be available under the Equal Access to Justice Act, as amended;

- (12) 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.

Accordingly, given that the parties have resolved all issues and agreed to Consent Findings, this matter is hereby **DISMISSED**.

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts