



Issue Date: 09 October 2014

OALJ CASE NO.: 2008-MSP-00003

In the Matter of:

**GLOBAL HORIZONS MANPOWER, INC., &
MORDECHAI ORIAN, an individual,**
Respondents.

Order Dismissing Request for Hearing

After requesting a hearing, the Respondents, Global Horizons Manpower, Inc. and Mordechai Orian, individually, have ignored the orders entered in this matter. For failure to prosecute, the requests for hearing are dismissed. The Administrator's determination letters of April 1, 2005 become the final order of the Secretary of Labor in the case.

These cases seek civil money penalties in the amounts of \$13,425 and \$7,575 under §503(a) of the Migrant and Seasonal Workers' Protection Act¹ (MSWPA) and the Secretary's implementing regulations,² for violations Global Horizons and Orian were allegedly responsible for in 2003 at De Monte Farms and Aloun Farms in Hawaii. The penalty matter had been stayed pending the resolution of larger, related cases that now have been the subjects of final orders of the Secretary.³ No petition for review of the final order in that related case is pending in any federal district court or court of appeals.

The Administrator of the Wage and Hour Division assessed civil money penalties of \$200 per worker for the failure to pay wages when due. Additional trivial penalties of \$25 to \$50 for things such as failure to failure to disclose conditions, failure to provide wage statements to workers, failure to post housing conditions, failure to post a MSPA

¹ Public Law 97-470 (Jan. 14, 1983), codified at 29 U.S.C. § 1801, et seq.

² 29 C.F.R. Part 500.

³ *Administrator; Wage and Hour Div., USDOL v. Global Horizons, Inc.*, ARB No. 11-058, ALJ Nos. 2005-TAE-1, 2005-TLC-6 (ARB May 31, 2013).

poster at the worksite, and failure to apply to amend an undescribed certificate are included in the total penalties assessed.⁴

After the request for hearing, Javier Lopez-Perez of Los Angeles appeared for the Respondents.⁵ None of the mailings addressed to him as the Respondents' representative have been returned.

No response was filed to either of the orders, the first entered on June 26, 2014, the second on August 12, 2014. The August order warned the Respondents that failure to respond could lead to the dismissal of their hearing requests, and cause the order of the Administrator to become the final order in this matter.

The requests for hearing are dismissed. The civil money penalties of \$21,000 assessed against Global Horizons Manpower, Inc. and Mordechai Orian individual, plus interest at the legal rate since the Administrator's assessment date of April 1, 2005.

William Dorsey
ADMINISTRATIVE LAW JUDGE

San Francisco, California

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Issuance of a Notice of Intent ("Petition") to modify or vacate that is received by the Administrative Review Board ("Board") within twenty (20) days of the date of issuance of the administrative law judge's decision. See 29 C.F.R. §§ 500.263 and 500.264; Secretary's Order 1-2002, 67 Fed. Reg. 64272 (2002).

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. A copy of the administrative law judge's decision must be attached to the Petition that is filed with the Board. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S.

⁴ See both assessment letters, dated April 1, 2005.

⁵ See the e-mail of Jan. 27, 2014 attached to the Administrator's letter motion of October 8, 2014.

Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. See 29 C.F.R. § 500.264(b). If the Board declines to modify or vacate the administrative law judge's decision, that decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 500.262(g).