

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 August 2017

Case No.: 2016-OFC-00004

In the Matter of

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS,
U.S. DEPARTMENT OF LABOR**
Plaintiff

v.

B&H FOTO & ELECTRONICS CORP.
Defendant

ORDER APPROVING CONSENT DECREE

This case arises under Executive Order 11246 (30 Fed. Reg. 12319), as amended by Executive Order 11375 (32 Fed. Reg. 14303), Executive Order 12086 (43 Fed. Reg. 46501), Executive Order 13672 (79 Fed. Reg. 42971), Executive Order 13279 (67 Fed. Reg. 77141); § 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793; § 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212 ("VEVRAA"); and the rules and regulations pursuant to 41 C.F.R. Chapter 60. Jurisdiction over this action exists under Sections 208 and 209 of Executive Order 11246, 41 C.F.R. § 60, and 41 C.F.R. Part 60-30.

The case was docketed in the Office of Administrative Law Judges on February 24, 2016, when the Regional Solicitor, New York Regional Office, U.S. Department of Labor, on behalf of the Office of Federal Contract Compliance Programs, filed the Administrative Complaint. The matter was assigned to the undersigned on April 8, 2016. On April 18, 2016, I issued an Initial Prehearing Order and Notice of Hearing scheduling this matter for hearing commencing on November 7 through November 10, 2016. An Order Resetting the Hearing Dates and Prehearing Deadlines for March 20 through 24, 2017 and March 27 through March 31, 2017 was issued by the undersigned on June 6, 2016. On January 5, 2017, a telephonic conference call was conducted with the parties to discuss evidentiary issues presented in dueling motions to compel. The parties were requested to submit their availability for a new hearing date. An Order Rescheduling Hearing for August 21 through August 25, 2017 and August 28 through September 1, 2017 was issued on February 6, 2017. On March 1, 2017, the parties filed a Joint Motion to Request a Stay of Discovery wherein, the parties reached an agreement in principal to resolve the administrative proceeding and to focus on finalizing the terms of the settlement agreement. I received a fully executed Consent Decree and Order from the parties on August 4, 2017.

The regulations at 41 C.F.R. § 60-30.13 provide the applicable standards for approving consent findings. After reviewing the terms of the parties' agreement, I am satisfied that it conforms to the requirements set forth in § 60-30.13(b)(1)-(4) and it is a satisfactory resolution of the issues raised in the Administrative Complaint. The terms of the Consent Decree are hereby adopted, incorporated in full and made part of this Order.

SO ORDERED.

THERESA C. TIMLIN
Administrative Law Judge

Cherry Hill, New Jersey