



Issue Date: 10 April 2017

Case No.: 2016-TNE-00008
Case No.: 2017-PED-00003¹

In the Matter of:

**DEPUTY ADMINISTRATOR, FOR PROGRAM OPERATIONS,
WAGE AND HOUR DIVISION, UNITED STATES DEPARTMENT OF LABOR² AND
THE ACTING ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION,
EMPLOYMENT AND TRAINING ADMINISTRATION, UNITED STATES
DEPARTMENT OF LABOR,**
Prosecuting Parties,

v.

WINDY CITY AMUSEMENTS, INC.,
Respondent.

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

The above-captioned matter arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations.

The Administrator, Wage and Hour Division, United States Department of Labor, issued a *Determination* to the Respondent by letter dated May 17, 2016, alleging that Respondent was found to be in violation of certain H-2B provisions of the INA (Case No.: 2016-TNE-00008). Additionally, the Acting Administrator, Office of Foreign Labor Certification, Employment and Training Administration, United States Department of Labor, by letter, dated November 10, 2016, issued a *Notice of Debarment* to the Respondent based on violations of the INA and its implementing regulations (Case No.: 2017-PED-00003).

On March 21, 2017, counsel on behalf of the Deputy Administrator for Program Operations, Wage and Hour Division, United States Department of Labor and the Acting

¹ The Office of the Solicitor, United States Department of Labor, filed a letter with this Court, dated April 5, 2017, which confirms that the *Settlement Agreement and Consent Findings* apply to the cases described as follows: 2016-TNE-00008 and 2017-PED-00003. Therefore, the caption has been changed to reflect that the cases have been consolidated and properly reflect the parties.

² This Court has been informed that, as of January 20, 2017, the Deputy Administrator for Program Operations is the ranking official in the United States Department of Labor's Wage and Hour Division.

Administrator, Office of Foreign Labor Certification, Employment and Training Administration, United States Department of Labor, submitted the parties' *Settlement Agreement and Consent Findings* for my review. The contents of the *Settlement Agreement and Consent Findings* and the attached Exhibit A and Exhibit B, are incorporated by reference as if fully set out herein.

The parties agree to resolve the matter in accordance with the findings, terms, and conditions of the *Settlement Agreement and Consent Findings*.

The administrative procedures relevant to the approval of the *Settlement Agreement and Consent Findings* are set forth at 29 C.F.R. § 503.49. After reviewing the terms of the *Settlement Agreement and Consent Findings*, I am satisfied that they conform to the requirements of 29 C.F.R. § 503.49(b) and are a satisfactory resolution of the issues previously contested.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that the *Settlement Agreement and Consent Findings* filed on March 21, 2017, are **APPROVED** and the parties are bound by the terms findings, and conditions of the *Settlement Agreement and Consent Findings*.

LARRY S. MERCK
Administrative Law Judge