



Issue Date: 15 February 2019

CASE NO.: 2018-SCA-00014

In the Matter of:

J.D. JOHNSON & SONS, INC.,
Respondent.

ORDER APPROVING CONSENT FINDINGS

This matter arises under the Service Contract Act of 1965 (“SCA”), as amended, 41 U.S.C. § 351 et seq., and the implementing regulations at 29 C.F.R. Parts 4 and 6. The Administrator of the Wage and Hour Division, U.S. Department of Labor filed a complaint by the Secretary of Labor (“Secretary”) against J.D. Johnson & Sons, Inc., (“Respondent”). This matter was originally assigned to Administrative Law Judge Dana Rosen. It was subsequently reassigned to the undersigned on November 13, 2018.

By letter dated February 4, 2019, counsel for the Secretary forwarded a set of proposed Consent Findings, fully executed by the parties, and a proposed order. Upon review of that document and Complaint in this matter, the proposed Consent Findings are approved, and I enter the following Order.

Consent Findings

1. This action arises under the Service Contract Act of 1965, as amended, 41 U.S.C. § 351, et seq., (hereinafter “SCA”), and Regulations found at 29 C.F.R. Parts 4, 6 and 18.
- 2a. J.D. Johnson and Sons, Inc. (the “Company”), a corporation engaged in business as a transportation and delivery service contractor, has a place of business and does business in Florence, South Carolina.
- 2b. J.D. Johnson, at all times pertinent hereto, was Principal Owner of the Company and was a party responsible for violations, within the meaning of § 3(a) of SCA, 41 U.S.C. § 352(a).
3. The following contracts, in the amounts of \$158,385.77 and \$570,701.70 were awarded to Respondents by the Government of the United States as follows:

<u>CONTRACT NO.</u>	<u>PERIOD COVERED</u>	<u>AGENCY</u>
HCR 29532	07/01/16 – 06/30/20	U.S. Postal Service
HCR 29540	07/01/16 – 06/30/20	U.S. Postal Service

4. The contracts, at all times pertinent hereto, were performed in the United States through the use of service employees, defined by § 8(b) of SCA, 41 U.S.C. § 357(b), and therefore, at all times pertinent hereto, were covered by and subject to the provisions of SCA.

5. Respondents admit the violations alleged by the Secretary as set forth in the Complaint.

6. The parties agree, and the Secretary so recommends, that unusual circumstances exist as to J.D. Johnson and Sons, Inc. sufficient to warrant relief from application of the ineligible list provisions of § 5(a) of the SCA, 41 U.S.C. § 354(a).

7. The parties agree, and the Secretary so recommends, that no unusual circumstances exist as to J.D. Johnson sufficient to warrant relief from application of the ineligible list provisions of § 5(a) of the SCA, 41 U.S.C. § 354(a).

8. The parties agree that:

(a) The final order disposing of this proceeding shall have the same force and effect as an order made after full hearing;

(b) The entire record on which such final order shall be based shall consist solely of the Complaint and these agreements and consents; and

(c) Each party shall bear its own costs, fees (including attorneys' fees) and expenses as were incurred by it in connection with any stage of these proceedings.

9. The parties waive:

(a) Further procedural steps before an Administrative Law Judge and the Board of Service Contract Appeals; and

(b) Any right to challenge or contest the validity of these findings or of order entered in accordance herewith.

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ORDER

It is hereby **ORDERED** that:

1. The **Consent Findings are ADOPTED AND APPROVED** as the final Administrative Order pursuant to the provisions of 29 C.F.R. § 6.18;
2. IT IS FURTHER ORDERED that this matter is hereby **DISMISSED** with prejudice.

SO ORDERED.

LORANZO M. FLEMING.
Administrative Law Judge

LMF/AME/jcb
Newport News, Virginia