



Issue Date: 01 April 2020

Case Number: 2019-SCA-00010

In the Matter of:

MIDWEST TRANSPORT, INC.,
Respondent.

ORDER APPROVING CONSENT FINDINGS

On March 28, 2019, the Regional Solicitor, U.S. Department of Labor, Arlington, Virginia, counsel for the Administrator, Wage and Hour Division (“Plaintiff”), filed a *Complaint* with the Office of Administrative Law Judges (“Office”) against the above-named Respondent based on alleged violations of the McNamara-O’Hara Service Contract Act of 1965 (“SCA”), 41 U.S.C. §§ 6701-6707, as amended, and the implementing regulations at 29 C.F.R. Parts 4, 6, and 18.¹ Respondent requested, and this Court granted, multiple extensions of time to file an answer to the Complaint in order to allow Respondent time to engage in compliance efforts and discussions with the Plaintiff on possible resolution of the matter without the need for a formal hearing. Those efforts appear to have been successful as the parties filed *Consent Findings* on February 12, 2020.

The *Consent Findings* resolve all remaining issues in dispute related to Respondent’s contest of the Administrator’s March 28, 2019 Complaint. The Court has examined the stipulations of fact and conclusions of law contained therein and concludes that all issues in contest between the Administrator and Respondent are resolved.² Respondent withdraws its request for hearing; agrees that the entire record upon which this final order is based shall consist solely of the Complaint and the *Consent Findings*; and waives all further procedural rights.

¹ Respondent entered into United States Postal Service mail haul contracts 207 BE, 207 ME, 207 AE, 144 EJ, 207 FE and 207 KE on January 7, 2011 and June 30, 2011, which were renewed on or about July 2016. The Complaint alleged that Respondent owed \$139,269.89 in back wages under the SCA to 111 employees covering the period October 31, 2015 to October 28, 2017, which the parties resolved in June 2018. However, Plaintiff was still seeking Respondent’s debarment. Additionally, a third party audit of applicable time and payroll records covering the period October 29, 2017 through April 26, 2019 determined Respondent owes 453 employees back wages totaling \$128,297.08, which Respondent agrees to pay to the Administrator within forty-five (45) days of the date of this Order. Respondent acknowledges that this back wage amount does not include taxes and contributions required under federal and state law.

² By stipulation entered into on March 31, 2020, the parties have modified the terms of the Consent Findings and agree that if, within three years of the date of this Order, Respondent materially breaches any term of this Order or the Consent Findings, Plaintiff may reinstitute litigation of this case to seek debarment.

After reviewing the terms of the agreement, I am satisfied that the *Consent Findings* conform to the requirements set forth in § 18.71(b)(1)-(4) and are a satisfactory resolution of the issues contested. Accordingly,

Order

The terms of the *Consent Findings* are hereby approved in full and adopted and incorporated into this order. The findings of fact and conclusions of law shall constitute full, final and complete adjudication of this proceeding.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge