

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 April 2017

OALJ CASE NO.: 2016-TAE-00001

In the Matter of:

BRIAN CAMPBELL FARMS,
Respondent

Appearances: Brian Campbell, Pro Se
For the Respondent

Oscar L. Hampton, III, Esq., Regional Solicitor and
Elsbeth L. Doskey, Esq.
U.S. Dept. of Labor, Office of the Solicitor,
For the Administrator, Wage and Hour Division, U.S. Department of Labor

Before: Richard A. Morgan
Administrative Law Judge

DECISION AND ORDER APPROVING CONSENT FINDINGS

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act (IRCA), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c), and 1186; and regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On November 22, 2013, the Administrator, Wage and Hour Division, United States Department of Labor (“Administrator”), issued a determination letter to Respondent, assessing civil money penalties in the amount of \$1,950.00 for violations of 20 C.F.R. Part 655 in regard to a violation of the applicable housing standard and failure to provide transportation between the worksite and the workers’ living quarters that complies with all applicable Federal, State, or local laws and regulations. Respondent requested a hearing. An Order of Reference was filed by the U.S. Department of Labor Regional Solicitor, as Counsel for the Administrator, on April 18, 2016. After assignment of this matter to the undersigned Administrative Law Judge, a hearing was initially scheduled for June 7, 2016 but later cancelled, while the parties attempted to reach a settlement of the contested issues.

On March 28, 2017, the parties filed *Consent Findings*, in which the parties agree that the Respondent will pay \$600.00 in civil money penalties to resolve the violation for failure to maintain employer provided transportation in compliance with 29 C.F.R. §500.105. As part of the settlement the Administrator agrees to vacate the citation for 20 C.F.R. §655.122(d)(1)(i) for violation of the applicable housing standard.

Section 501.40(d) provides that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she is “satisfied with its form and substance.” After

reviewing its terms, I am satisfied that the agreement conforms to the requirements set forth in § 501.40(b)(1)-(4) and is a satisfactory resolution of the issues previously contested. The terms of the *Consent Findings* filed on March 28, 2017 are **APPROVED** and they are adopted and incorporated in full into this Order.

SO ORDERED.

RICHARD A. MORGAN
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: Any party seeking review of this decision, including judicial review, shall file a Petition for Review (“Petition”) with the Administrative Review Board (“ARB”) within 30 days of the date of this decision. 29 C.F.R. § 501.42. The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: Boards-EFSR-Help@dol.gov

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition, only one copy need be uploaded.

Copies of the Petition should be served on all parties and on the undersigned Administrative Law Judge. If the ARB does not receive the Petition within 30 days of the date of this decision, or if the ARB does not issue a notice accepting a timely filed Petition within 30 days of its receipt of the Petition, this decision shall be deemed the final agency action. 29 C.F.R. §501.42(a).