



Issue Date: 20 July 2018

Case No.: 2018-TAE-00030

In the Matter of:

CALVIN BACHMANN FARMS,
Respondent.

**NOTICE OF DOCKETING
AND ORDER APPROVING CONSENT FINDINGS**

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act (“Act”), 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 501.¹

On July 9, 2018, the Prosecuting Party contemporaneously filed an *Order of Reference and Consent Findings and Order*, in which Respondent agrees to pay the back wages in full; Respondent no longer contests the determination letter, including a three-year debarment; and the parties agree to reduce the CMP to \$5,000.00. Respondent agrees to pay the CMP by July 31, 2018. These actions would resolve all issues for litigation.

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 and Order* filed on July 9, 2018 are APPROVED, and adopted and incorporated in full into this Order. This case is hereby DISMISSED.²

¹ On July 31, 2017, the Administrator, Wage and Hour Division, United States Department of Labor (“Prosecuting Party”), issued a determination letter to Respondent assessing unpaid wages in the amount of \$12,936.67 and civil money penalties (“CMP”) in the amount of \$18,671.20 for violations of the Act. Respondent objected to the assessment of unpaid wages, civil money penalties, and debarment, and timely requested a hearing. However, the parties subsequently conferred and reached a settlement obviating the need for a hearing.

² However, in the event Respondent defaults on the terms and conditions set forth in the *Consent Findings and Order* and this Order, the Administrator’s conditional amendment referenced in Section IV of the *Consent Findings and Order* becomes void and the entire civil money penalty and back wage amount shall become due and payable immediately without further notice or demand by the Administrator and any outstanding balance shall be subject to

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

the assessment of interest and penalties at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996.