

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Covington, LA 70433



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**Issue Date: 20 March 2013**

**CASE NOS.: 2012-TNE-15  
2012-TNE-16**

**IN THE MATTER OF**

**ADMINISTRATOR, WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR  
Prosecuting Party**

**v.**

**SHS NURSERY & LANDSCAPE  
H & B SNOW REMOVAL SERVICES, INC.  
Respondent**

**DECISION AND ORDER**

This is a proceeding under the 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 at 20 C.F.R. § 655.1 *et seq.* The Administrator and Respondent have filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of the Administrator’s findings regarding its compliance with the H-2B provisions of the INA. The Consent Findings are attached hereto and made a part hereof. The Court has examined the stipulations of fact and conclusions of law contained therein and finds that all issues in contest between the Administrator and Respondent have been resolved. Accordingly,

**IT IS ORDERED** that the Consent Findings be, and the same hereby are **APPROVED**.

**IT IS FURTHER ORDERED** that Respondent shall pay back wages to the Administrator, Wage and Hour Division, the amount of \$6,897 and civil money penalties in the aggregate sum of \$13,138 to be paid in twenty-four (24) monthly installments as stated in the Consent Findings.

**IT IS FURTHER ORDERED** that the Consent Findings be made a part of the record and are adopted as the final disposition of this matter.

**ORDERED** this 20<sup>th</sup> day of March, 2013 at Covington, Louisiana.

**PATRICK M. ROSENOW**  
**Administrative Law Judge**

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.76(a). The Board’s address is:

Administrative Review Board  
U.S. Department of Labor  
Room S-5220  
200 Constitution Ave, NW  
Washington, D.C. 20210

At the time you file the Petition with the Board, you must serve it on all parties to the case as well as the administrative law judge. 20 C.F.R. § 655.76(a).

No particular form is prescribed for the Petition, however, any such petition shall:

- (1) Be dated;
- (2) Be typewritten or legibly written;
- (3) Specify the issue or issues stated in the administrative law judge decision and order giving rise to such petition;
- (4) State the specific reason or reasons why the party petitioning for review believes such decision and order are in error;
- (5) Be signed by the party filing the petition or by an authorized representative of such party;
- (6) Include the address at which such party or authorized representative desires to receive further communications relating thereto; and
- (7) Attach copies of the administrative law judge's decision and order, and any other record documents which would assist the Board in determining whether review is warranted.

20 C.F.R. § 655.76(b). If the Board determines that it will review the ALJ's decision and order, it will issue a notice specifying (1) The issue or issues to be reviewed; (2) The form in which submissions shall be made by the parties (e.g., briefs); and (3) The time within which such submissions shall be made. When filing any document with the Board, the party must file an original and two copies of the document. 20 C.F.R. § 655.76(e).