

Issue Date: 18 January 2012

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

CASE NO.: 2012-TNE-00001

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,**
Prosecuting Party,

v.

FELIX PALENCIA FOREST SERVICE,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises from the request for hearing filed by the Respondent in the above matter, which arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart A. The Notice of Hearing was issued on October 28, 2011. Immediately prior to the hearing on December 8, 2011, the parties settled the matter and indicated they intended to submit Consent Findings. The parties filed Consent Findings on January 13, 2012. I have reviewed the parties' Consent Findings and find them to be a fair, adequate and reasonable settlement. IT IS HEREBY ORDERED:

1. These Consent Findings are incorporated by reference in this Order and are hereby approved.
2. The Respondent shall pay a civil monetary penalty of \$2,000.
3. The Respondent agrees to comply with the Act and applicable regulations in the future.
4. The Administrator will not recommend that the Department of Homeland Security deny petitions filed by Respondent and will not recommend that the Employment and Training Administration debar Respondent from future labor certifications.

5. The entire record upon which the Order issued is based shall consist of the Administrator's determination, Respondent's request for hearing, and this agreement.
6. The parties waive any further proceeding before the administrative law judge and waive any right to challenge or contest the validity of the Consent Findings and any Order issued in accordance with the agreement.
7. The Consent Findings fully and finally resolve all outstanding issues between the parties that were raised, or reasonably could have been raised in connection with the Administrator's determination letter of October 3, 2011.
8. Each party shall bear its own costs, attorney's fees and other expenses incurred in connection with this proceeding.
9. The Consent Findings shall have the same force and effect as an order made after full hearing.

SO ORDERED.

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COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts