

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 03 July 2013

CASE NO.: 2013-TNE-6

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

SUPERIOR, INC. d/b/a SUPERIOR LAWN CARE,
Respondent

M. Patricia Smith, Esq., Catherine O. Murphy, Esq., and Samantha N. Thomas, Esq.,
For the Prosecuting Party

Wendel V. Hall, Esq.,
For the Respondent

DECISION AND ORDER
APPROVING WITHDRAWAL OF HEARING

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), and the applicable regulations issued thereunder at 20 C.F.R. Part 655. On June 24, 2013, the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Respondent, Superior Lawn Care (“Respondent”) filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of the Administrator’s Determination Letter of February 27, 2013 (“Determination Letter”) regarding Respondent’s compliance with the H-2B provisions of the INA. Respondent, Respondent’s attorney, and the Attorney for the Prosecuting Party signed the Consent Findings in May 2013.

Respondent has withdrawn its request for a hearing; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.9(b)(2), consist solely of the Determination Letter and the Consent Findings; and waived all further procedural rights as provided in 29 C.F.R. § 18.9(b)(3) and (4).

The Consent Findings are marked for Identification as ALJ Exhibit No. 1, and are attached hereto and made a part hereof. The Court has examined the Consent Finding and concludes that all issues in contest between the Administrator and Respondent have been

resolved. I find that the terms are fair and reasonable and in substantial compliance with 29 C.F.R. § 18.9(b).

Accordingly, IT IS ORDERED that the Consent Findings (ALJ Exhibit No. 1) are approved in full and incorporated herein by reference. The Consent Findings shall constitute my findings of fact and conclusions of law and shall constitute full, final, and complete adjudication of this proceeding.

RICHARD A. MORGAN
Administrative Law Judge