



Issue Date: 28 February 2014

Case No.: 2013-TNE-12

In the Matter of:

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

v.

YARD SOLUTIONS, INC.,
Respondent.

ORDER APPROVING CONSENT FINDINGS

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 February 18, 2014, the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Respondent, Yard Solutions, Inc., (“Respondent”) filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of the Administrator’s Determination Letter of May 16, 2013 (“Determination Letter”) regarding Respondent’s compliance with the H-2B provisions of the INA. Respondent’s attorney and the Attorney for the Prosecuting Party signed the Consent Findings in February 2014.

Respondent has effectively withdrawn its request for a hearing. The Administrator and Respondent have agreed as follows:

1. that the Consent Findings and Order entered into in accordance with this agreement shall have the same force and effect as an Order made after full hearing;
2. that the entire record upon which any final order may be based shall consist solely of the Determination Letter and the Consent Findings;
3. that they have waived any right to challenge or contest the validity of the Consent Findings and Order entered into in accordance with this agreement; and
4. all violations set forth in the Determination Letter shall be deemed fully resolved by these Consent Findings.

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).

ORDER

Accordingly, IT IS ORDERED that the Consent Findings (ALJ Exhibit No. 1):

1. are approved in full and incorporated herein by reference;
2. shall constitute my findings of fact and conclusions of law;
3. shall constitute full, final, and complete adjudication of the proceeding; and
4. are effective immediately.

Joseph E. Kane
Administrative Law Judge