

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 August 2014

CASE NOS.: 2014-TNE-00009
2014-MSP-00006

In the Matter of:

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

v.

SUMMITT FORESTS, INC.,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

These cases arise under the Migrant and Seasonal Agricultural Worker Protection Act (“MSPA”), 29 U.S.C. § 1801 *et seq.* and the Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b), 1184(c), and 1186 (“INA”).

The Administrator for the Department of Labor’s Wage and Hour Division (“Administrator”) issued a determination on March 20, 2014, finding that Respondent had violated provisions of the INA and assessed \$10,000.00 in civil money penalties for the violations. Respondent timely filed a request for a hearing before the Office of Administrative Law Judges (“OALJ”) with the OALJ National Office on April 4, 2014. This case, OALJ docket number 2014-TNE-00009, was subsequently referred to the San Francisco OALJ office for hearing, and I issued a hearing notice on May 15, 2014, setting this for hearing on October 28, 2014.

On February 4, 2014, the Administrator issued notice assessing a civil money penalty of \$1,250.00 against the Respondent for violations of the MSPA. Respondent requested a hearing of this MSPA matter on March 3, 2014. After the hearing request was received, counsel for the Administrator issued an Order of Reference referring this matter to the OALJ for hearing. It was assigned docket number 2014-MSP-00006. On June 19, 2014, Judge Stephen Purcell issued an order acknowledging receipt of this MSPA case and consolidated it with the INA case that was already pending before me. On June 25, 2014, I issued an order acknowledging the consolidation and noting that the MSPA case would proceed to trial with the INA case.

On August 22, 2014, the Administrator filed Consent Findings which resolve the issues in these cases. The Consent Findings provide that the entire record on which this order approving the consent findings is based solely on the determination letters referenced above, the Order of Reference filed in docket number 2014-MSP-00006, which includes the Respondent's request for a hearing, and the Consent Findings.

I have reviewed the specific terms of the Consent Findings and find that they are fair and reasonable and resolve all pending issues in this matter. Accordingly, the Consent Findings are APPROVED and ADOPTED in their entirety.

JENNIFER GEE
Administrative Law Judge