

U.S. Department of Labor

Office of Administrative Law Judges
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Covington, LA 70433



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Issue Date: 09 July 2014

CASE NO.: 2014-TNE-00006

In the Matter of

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

v.

**BROOKWAY HORTICULTURAL 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), 1184(c), and the applicable regulations issued there under at 20 C.F.R. Part 655, Subpart A. The Administrator and Brookway Horticultural Services, Inc. filed Consent Findings resolving all issues in dispute in this case relating to Brookway Horticultural Services, Inc. contest of the Administrator’s findings regarding its compliance with the employment of H-2B workers and the H-2B provisions of the INA. The Consent Findings are attached hereto and made a part hereof. The Court examined the stipulations of fact and conclusions of law contained therein and concludes that all issues in contest have been resolved.

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

Additionally, **IT IS ORDERED** that civil money penalties in the total amount of \$8,000.00 paid by July 1, 2014, be paid by Brookway Horticultural Services, Inc to the Wage and Hour Division of the Department of Labor and that

this total amount shall be deemed to be full satisfaction of the civil money penalties claim against Brookway Horticultural Services, Inc arising out of its employment of H-2B workers.

ORDERED this 9th day of July, 2014 at Covington, Louisiana,

**CLEMENT J. KENNINGTON
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).