



**Issue Date: 14 November 2017**

BALCA Case No.: 2016-TNE-00015

*In the Matter of:*

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

v.

**FRANK JOSEPH & SONS, INC.,**  
*Respondent.*

### **ORDER ADOPTING CONSENT FINDINGS**

This proceeding arises from H-2B provisions of the Immigration and Nationality Act, (INA), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), 1184(c), and 1186 and the applicable regulations issued there under at 20 C.F.R. Part 655, Subpart A. The proceeding is currently continued at the request of the Parties. On November 14, 2017, the Prosecuting Party and Respondent filed Consent Findings resolving all issues in dispute relating to Respondent's contest of the July 5, 2016, Determination Letter ("Determination Letter") regarding its compliance with the H-2B provisions of the INA. The Consent Findings are attached hereto and made a part hereof. I have examined the stipulations of fact and conclusions of law contained therein and conclude that all issues in contest between the Prosecuting Party and Respondent are resolved.

Respondent has done the following: withdrawn its request for a hearing; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.71(b)(2), consist solely of the Determination Letter, the Respondent's request for hearing regarding the Determination Letter, and the Consent Findings; and waived all further procedural rights as provided in 29 C.F.R. § 18.71(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. I have examined the Consent Findings and conclude that all issues in contest between the Administrator and Respondent have been resolved.

Accordingly, **IT IS ORDERED** that the Consent Findings are approved in full and incorporated herein by reference. The Consent Findings shall constitute my findings of fact and conclusions of law and are the full, final and complete adjudication of this proceeding.

**SO ORDERED.**

**WILLIAM T. BARTO**  
Administrative Law Judge