

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

**Issue Date: 01 August 2017**

CASE NO.: 2017-TNE-00013

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*In the Matter of:*

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

v.

**AULICK LEASING CORPORATION,**  
*Respondent.*

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**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter arises from the request for hearing filed by the Respondent in the above matter, which arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart A.

On June 27, 2017, the parties notified my office that they had reached a settlement agreement in the matter and would be submitting consent findings for approval. On July 31, 2017, the parties filed their Consent Findings. I have reviewed the parties' Consent Findings, and find them to be fair and adequate. Accordingly, the consent findings are approved and IT IS HEREBY ORDERED:

1. These Consent Findings and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing;
2. The entire record forming the basis on which the Consent Findings and Order is entered shall consist of the Determination Letter, the Request for Hearing, and the provisions contained therein;
3. The parties hereby waive all further procedural steps between themselves before the Administrative Law Judge;

4. The parties waive any right to challenge or contest the validity of these Consent Findings and Order;
5. All violations alleged in the Determination Letter issued by the Administrator are and shall be deemed fully resolved by these Consent Findings and Order with regard to all parties;
6. These Consent Findings and Order shall become final immediately upon approval of the Administrative Law Judge. The effective date of these Consent Findings and Order shall be the date of approval by the Administrative Law Judge;
7. Respondent, having appeared through counsel, neither admits nor denies the allegations in the determination letter, admits to the jurisdiction of the Court over Defendant and over the subject matter of this action, and has agreed to the entry of judgment without contest;
8. The Administrator, in consideration of the facts of this case and other pertinent litigation factors, hereby agrees to reduce the aggregate CMPs to \$16,000 (“Adjusted Penalty”);
9. Respondent agrees to pay the total amount of \$16,460.00 (Adjusted Penalty and assessed back wages) on or before August 30, 2017, in the form of certified check or money order made payable to “Wage & Hour Division, U.S. Department of Labor.” Respondent will forward its payment to the U.S. Department of Labor, Wage and Hour Division, 525 S. Griffin Street, Room #800, Dallas, Texas 75202;
10. Respondent withdraws its Request for Hearing filed in this matter;
11. In resolving this matter, Respondent agrees to comply with all the requirements of the H-2B provisions under the INA, the regulations promulgated thereunder, and the conditions of the I-219 Petition, and the regulations promulgated thereunder. By agreeing to comply with the H-2B program, Respondent is not admitting to the violations in the April 19, 2017 Determination Letter;
12. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of these Consent Findings and Order, is retained by the Office of Administrative Law Judges;
13. Enforcement proceedings for violation of these Consent Findings and Order may be initiated at any time upon the filing with the Administrative Law Judge a motion for an Order of enforcement and sanctions;

14. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to attorney's fees, which may be available under the Equal Access to Justice Act, as amended; and
15. These Consent Findings and Order shall constitute the final Administrative Order in this case.

**SO ORDERED.**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts