



Issue Date: 08 January 2019

CASE NO: 2017-TNE-00001

In the Matter of:

**ADMINISTRATOR,
WAGE AND HOUR DIVISION,**
Prosecuting Party,

v.

DREW'S LAWN AND SNOW SERVICE, INC.,
Respondent.

**DECISION AND ORDER
APPROVING 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. A hearing was scheduled for May 22, 2018 in Chicago, Illinois but was cancelled by request of the parties. On December 14, 2018, I received the parties' executed Consent Findings, which constitute final resolution of all of the matters and are fully incorporated and adopted herein by reference.

As indicated in the Consent Findings, this matter stems from an investigation conducted by the Wage and Hour Division of the DOL, which issued a determination (Reference #1725767) to Drew's Lawn & Snow Service, Inc. ("Respondent") via letter on September 9, 2016, stating that Respondent was found to be in violation of certain H-2B provisions of the INA covering the period from April 2, 2012 through April 26, 2016. The Administrator found that the violations resulted in \$293,238.42 in unpaid wages. The Administrator also assessed a civil money penalty of \$119,795.10. On October 14, 2016, Respondent filed a request for hearing.

29 C.F.R. Part 503, Subpart C, prescribes the administrative appeals process applicable here and grants the Office of Administrative Law Judges ("OALJ") the authority to conduct hearings on the Administrator's determinations regarding enforcement of the H-2B program, including the assessment of civil money penalties or back pay. 29 C.F.R. §§ 503.43, 503.46. If the parties reach a settlement resolving the case after initiation of proceedings before OALJ, they may submit an agreement containing consent findings and an order to OALJ for approval pursuant to § 503.49. Such an agreement must contain certain provisions required by

§ 503.49(b), including a waiver of any further procedural steps before OALJ and a waiver of any right to challenge or contest the validity of the agreed-on findings and order. Within thirty days of submission of such agreement, the administrative law judge, “will, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings.” *Id.* § 503.49. Here, Respondent timely requested a hearing, the matter was transmitted for hearing to OALJ, and it was subsequently assigned to me for hearing. Although scheduled, a hearing has not yet been held. I have reviewed the provisions of the parties’ agreed upon Consent Findings under § 503.49. Upon review, the parties’ agreed upon terms of the Consent Findings provide for the full resolution of the violations set forth in the Administrator’s Determination and further address and include the requirements of § 503.49.

Accordingly, after review and consideration, I find the agreed upon terms of the parties’ executed Consent Findings conform to the requirements of § 503.49 and that all issues in contest between the parties have been resolved. It is therefore **ORDERED** that the Consent Findings are approved, adopted, and incorporated in full into this Order and the parties shall carry out the terms specified therein. A copy of the executed Consent Findings is attached hereto. It is further **ORDERED** that the Consent Findings and this Order shall constitute my findings of fact and conclusions of law and shall constitute the final Administrative Order and complete adjudication of this proceeding.

SO ORDERED.

CARRIE BLAND
Administrative Law Judge

Washington, D.C.