



**Issue Date: 07 February 2018**

**Case No.: 2017-TNE-00015**

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR DIVISION,  
U.S. DEPARTMENT OF LABOR,**  
*Prosecuting Party,*

v.

**HIDDEN CREEK CONTRACTOR, INC.,**  
*Respondent.*

**ORDER APPROVING SETTLEMENT AGREEMENT**

This matter arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 *et seq.*, and the implementing regulations at 20 C.F.R. Part 655. The Administrator, Wage and Hour Division of the Department of Labor issued a determination (Reference #1626148) to Hidden Creek Contractor, Inc., (“Respondent”) via letter on May 15, 2017, stating that Respondent was found to be in violation of certain H-2B provisions of the INA (regarding a Petition for Nonimmigrant Worker and an Application for Temporary Employment Certification) covering the period from November 15, 2009 through December 15, 2011, by a substantial failure to comply with the offered wage requirement. The Administrator determined that Respondent owed \$48,746.74 to 104 H-2B nonimmigrant workers, but did not assess a civil money penalty. By letter dated June 8, 2017, Respondent requested a hearing before the Office of Administrative Law Judges (“OALJ”). *See* 29 C.F.R. § 503.43.

The case was docketed in OALJ on June 8, 2017. On June 12, 2017, it was assigned to me to conduct a hearing and render a decision. On June 14, 2017, I issued a notice of hearing and prehearing order, setting this case for hearing on November 2, 2017, in Asheville, North Carolina. At the request of the parties, the hearing date was informally suspended to allow the parties to engage in settlement discussion. On January 19, 2018, I received a fully executed settlement agreement from the parties.

The regulation at 29 C.F.R. § 503.49 provides the applicable standards for approving a settlement agreement. After reviewing the terms of the parties’ agreement, I am satisfied that it conforms to the requirements set forth in the regulation and it is a satisfactory resolution of the issues raised in the Administrator’s Determination. The terms of the settlement agreement are

hereby approved, adopted, incorporated in full, and made a part of this Order. The parties are directed to carry out the terms of the agreement.

**SO ORDERED.**

**MORRIS D. DAVIS**  
Administrative Law Judge