

U.S. Department of Labor

Office of Administrative Law Judges
William S. Moorhead Federal Office Building
1000 Liberty Avenue, Suite 1800
Pittsburgh, PA 15222

(412) 644-5754
(412) 644-5005 (FAX)



Issue Date: 10 April 2019

CASE NO.: 2017-TNE-00008

In the Matter of:

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

v.

JML LANDSCAPE MANAGEMENT,
Respondent

DECISION AND ORDER

This proceeding arises from the H-2B provisions of the Immigration and Nationality Act, (INA), 8 U.S.C. § 1101(a)(15)(H)(ii)(b) and 1184(c) and the applicable regulations issued there under at 20 C.F.R. Part 655, *et seq.* The Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”), and Respondent, Jim Meinert Landscaping, Inc., d/b/a JML Landscape Management, have filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of Administrator’s February 16, 2017 Determination Letter (“Determination Letter”) regarding its compliance with the H-2B provisions of the INA. The Consent Findings are marked for identification as ALJ Exhibit No. 1, are attached hereto and made a part hereof. The Court has examined the stipulations of fact and conclusions of law contained therein and concludes that all issues in contest between Administrator and Respondent are resolved.

Respondent has withdrawn its requests for hearings; agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.71(b)(2) and 29 C.F.R. § 503.49(b)(2) consist solely of the Determination Letter, the October 22, 2018 Order granting the Administrator’s Motion for Partial Summary Decisions, and the Consent Findings; and waived all further procedural rights as provided in 29 C.F.R. § 18.71(b)(3), (4) and 29 C.F.R. § 503.49(b)(3), (4). Accordingly, IT IS ORDERED that the Consent Findings (ALJ Exhibit No. 1) are approved in full and incorporated herein by reference. The Consent Findings shall constitute

my findings of fact and conclusions of law, shall constitute full, final and complete adjudication of this proceedings, and shall have the same force and effect as an order made after full hearing.

DREW A. SWANK
Administrative Law Judge