



**Issue Date: 05 May 2017**

**Case No.: 2017-TNE-00002**

*In the Matter of:*

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

v.

**SUNRISE OF NASHVILLE, INC.,**  
*Respondent.*

**ORDER APPROVING SETTLEMENT AGREEMENT**

This case 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 (“DOL”) issued a determination (Reference #1685934) to Sunrise of Nashville, Inc., (“Respondent”) via letter on October 28, 2016, 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 December 2, 2010 through February 16, 2013 by (i) a substantial failure to comply with the recruitment and hiring of U.S. workers requirements; and (ii) a substantial failure to comply with terms and working conditions requirements. The Administrator assessed a civil money penalty of \$14,500.00 and unpaid wages of \$21,178.04 owed to two U.S. workers. By letter, dated November 22, 2016, 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 November 22, 2016, and on December 13, 2016 it was assigned to me to conduct a hearing and render a decision. On January 3, 2017, I issued a Notice of Hearing, which set the case for hearing on April 11, 2017, in Nashville, Tennessee. At the request of the parties, the Chief Administrative Law Judge appointed Beth S. Slavet, *Esq.*, to serve as a mediator to assist the parties in exploring the possibility of settlement. On March 29, 2017, the hearing was rescheduled to June 27, 2017, to allow the parties to engage in mediation. On May 3, 2017, 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