



**Issue Date: 08 May 2019**

**Case No.: 2018-TNE-00016**

*In the Matter of:*

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

v.

**HANCOCK CONCRETE PRODUCTS, LLC,**  
*Respondent.*

**ORDER APPROVING CONSENT FINDINGS AND 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 No.: 1794853) to Hancock Concrete Products, LLC, (“Respondent”) via letter on January 17, 2018, 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 April 1, 2015 to December 1, 2016 by a substantial failure to comply with the terms and working conditions, no layoffs, outbound transportation, and accuracy of temporary needs requirements under the 2008 regulations, and with the prohibition against preferential treatment, no recent or future layoffs, area of intended employment, inbound transportation and subsistence, outbound transportation and subsistence, and disclosure of job order requirements under the 2015 regulations. The Administrator determined that Respondent owed \$81,745.20 in back wages to 58 workers (including \$2,505.69 due to 17 H2B workers and \$79,239.51 due to 41 U.S. workers) and \$52,844.04 in civil money penalties. By letter dated February 15, 2018, 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 February 20, 2018. On March 9, 2018, it was assigned to me to conduct a hearing and render a decision. On March 16, 2018, I issued a notice of hearing and prehearing order, setting this case for hearing on July 24, 2018, in Minneapolis, Minnesota. On May 9, 2018, I issued an order rescheduling the hearing to October 29, 2018 in St. Paul, Minnesota. At the request of the parties, the hearing date was formally suspended to allow the parties to engage in mediation. On May 6, 2019, I received the parties’ Consent Findings and Settlement Agreement.

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 consent findings and 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