



Issue Date: 19 December 2018

Case No.: 2018-TNE-00029

In the Matter of:

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

v.

CHALLENGER SPORTS CORPORATION,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

The above-captioned matter arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations at 20 C.F.R. Part 655, Subpart A and 29 C.F.R. Part 503.

The Administrator, Wage and Hour Division (Administrator) of the U.S. Department of Labor issued a determination to Challenger Sports Corporation (Respondent) via letter dated May 25, 2018, stating that Respondent was found to be in violation of certain H-2B provisions of the INA. The Administrator found that, during the period from January 1, 2015 to November 22, 2016, Respondent had violated H-2B provisions of the INA by substantially failing to comply with the requirements to pay the offered wage rate and other regulations and assessed a civil money penalty (CMP) of \$34,542.72. The Administrator also determined that Respondent owed back wages in the amount of \$25,098.25. On June 15, 2018, Respondent filed a letter with the Office of Administrative Law Judges (OALJ) contesting these findings.

On December 14, 2018, counsel for the Administrator filed Consent Findings and a proposed Decision and Order indicating that the parties had, in fact, reached a resolution on all issues thereby obviating the need for a formal hearing. The parties indicate that Respondent agrees to a CMP in the amount of \$34,542.72 and back wages in the amount of \$25,098.25, and withdraw its request for hearing. Respondent further agrees to future compliance with the INA.

The administrative procedures relevant to the approval of consent findings are set forth at 29 C.F.R. § 503.49. After reviewing the terms of the agreement, the undersigned finds that they

conform to the requirements of 29 C.F.R. § 503.49(b) and are a satisfactory resolution of the issues previously contested.

Accordingly, the Consent Findings are adopted and incorporated in full into this Order. Upon payment of the CMP and back wages, this matter is DISMISSED.

SO ORDERED this day at Covington, Louisiana.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE