

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 26 February 2019**

CASE NO.: 2018-TNE-34

In the Matter of:

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

v.

KALKREUTH ROOFING AND SHEET METAL, INC.,  
Respondent

**DECISION AND ORDER APPROVING  
CONSENT FINDINGS AND CANCELLING HEARING**

This matter arises from alleged violations of the H-2B provisions of the Immigration and Nationality Act (“the Act” or “INA”), as amended 8 U.S.C. § 1101(a)(15)(H)(ii)(b), *et seq.*, 1184(c)(14), and the regulations promulgated thereunder at 20 C.F.R. Part 655, and 29 C.F.R. Part 503. On February 22, 2019, I received the parties’ executed Consent Findings in the above-captioned matter for review and approval.

As indicated in the Consent Findings the matter stems from an investigation conducted by the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”), regarding respondent, Kalkreuth Roofing and Sheet Metal, Inc.’s, (“Respondent”), application for Temporary Employment Certification (“TEC”), and the Administrator’s Determination Letter issued July 18, 2018, detailing its investigative findings. Respondent timely contested the findings contained in the Determination Letter and requested a hearing on August 14, 2018.

Through the Consent Findings, the entire record on which this Order is based, consists of the Administrator’s Determination Letter, and the Consent Findings. The Consent Findings, which more fully detail the terms of the agreement by the parties to settle the instant matter, are incorporated in their entirety, herein by reference and attached hereto.

Having reviewed Consent Findings executed by the parties, I find and conclude that they are appropriate in form and substance, clearly detail the respective duties and obligations of the parties, is fair, adequate, and reasonable, and was not procured by duress. I further find:

1. Respondent and Administrator agree, pursuant to 29 CFR § 18.71, to the approval of the Consent Findings and to the entry of a Decision and Order (“Order”) based thereon without contest.
2. Any Order entered herein shall have the same force and effect as an Order made after a full hearing.
3. The entire record on which the Order entered herein in Case No. 2018-TNE-34, is based, shall consist of the Determination Letter issued by the Administrator, and the executed Consent Findings, incorporated herein in full, by reference and attached.
4. Kalkreuth Roofing and Sheet Metal, Inc. shall pay the Administrator, the sum of \$3,667.64 in back wages and \$6,658.46 in civil money penalties within thirty days of the entry of the instant Order Approving Consent Findings. The parties further agree to the additional terms and details contained in Paragraph 9 as well as the manner of payment contained in paragraph 11 of the Consent Findings.
5. The parties shall further carry out all other terms of the Consent Findings.
6. As provided for in the Consent Findings, Respondent withdraws its request for hearing.
7. This Decision and Order Approving Consent Findings constitutes the final administrative order, which the parties are bound by, and shall implement as contained therein.
8. The Consent Findings shall become final and effective immediately upon approval by the undersigned Administrative Law Judge.
9. Each party shall bear its own costs, attorney’s fees and other expenses incurred in connection with any stage of this proceeding.

Accordingly, as the parties have resolved all issues, I APPROVE the parties’ Consent Findings and the parties are directed to carry out all terms of the Consent Findings.

The hearing scheduled to take place March 5-7, 2019 in Wheeling, West Virginia is CANCELLED.

**SO ORDERED.**

NATALIE A. APPETTA  
Administrative Law Judge