

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 20 June 2019

CASE NO. 2018-TNE-00038

In the Matter of:

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

Complainant,

v.

SILVIS GROUP, INC.,

Respondent

ORDER CANCELLING HEARING AND APPROVING CONSENT FINDINGS

This matter arises from the request for hearing filed by Silvis Group, Inc. (Respondent) regarding the determinations of the Administrator of the Wage and Hour Division of the Department of Labor (the Administrator) that the Respondent failed to comply with certain H-2B provisions of the Immigration and Nationality Act (INA or Act), 8 U.S.C. §1101(a)(15)(H)(ii)(b), 1184(c), and 1188 and applicable regulations, as set forth more fully in its determination letter dated August 16, 2018.

The hearing in this matter is presently scheduled for June 25, 2019 in Pittsburgh, Pennsylvania before the undersigned administrative law judge. Jurisdiction over the hearing in this matter is vested in the Office of Administrative Law Judges by §212(n)(2) of the Act.

On June 17, 2019, the parties filed a joint request for approval of Consent Findings, including provisions resolving all of the outstanding alleged violations of the Act, including the payment of back wages and civil monetary penalties as well as an agreement for an independent person to monitor Respondent's compliance with the Act. Respondent further agreed to withdraw its request for hearing. Having reviewed the consent findings and underlying alleged violations, I determined that the Consent Findings fully and fairly resolve the matters in dispute and thus, by separate Order on this date, I approved the Consent Findings (attached hereto as ALJ Exhibit No. 1). Accordingly,

IT IS ORDERED:

1. Respondent shall pay a total of \$29,222.42 in back wages and \$45,068.10 in accordance with the schedule and conditions more fully detailed in paragraphs 11(a-c), 12, 13, 14, 15, and Schedule A of the Consent Findings.

2. Respondent further agrees to enhanced compliance in the form of a Three (3) Year Monitoring Agreement according to terms and conditions detailed in paragraph 17 of the Consent Findings. All remaining provisions of the Consent Findings are in force and effect as if fully set hereunder.
3. The Consent Findings, Order Approving Consent Findings and this Order shall have the same force and effect as an order made after full hearing.
4. The entire record on which the Order Approving Consent Findings and this Order is based shall consist of the Determination Letter and the Consent Findings.
5. The Administrator and Respondent knowingly and voluntarily waive any further procedural steps before the Office of Administrative Law Judges.
6. The Administrator and Respondent knowingly and voluntarily waive any right to challenge or contest the validity of the Consent Findings and Order.
7. All violations set forth in the Determination Letter are deemed fully resolved by the Consent Findings, Order Approving Consent Findings and this Order.
8. The Order Approving Consent Findings and this Order shall become final immediately upon its issuance, and constitutes the full, final and complete adjudication of this proceeding.
9. The hearing scheduled for **June 25, 2019** is hereby **CANCELLED**.

SO ORDERED.

PATRICIA J. DAUM
Administrative Law Judge

NOTICE OF REVIEW

NOTICE OF APPEAL RIGHTS: Any party seeking review of this decision and order, including judicial review, must file a Petition for Review (“Petition”) with the Administrative Review Board (“ARB”). The ARB must receive a party’s Petition within 30 calendar days of the date of this decision and order. 29 C.F.R. § 503.51. When filing any document with the ARB, the party must file an original and two copies of the document and copies of all documents must be served upon all other parties involved in the proceeding. 29 C.F.R. § 503.54. The ARB’s address is:

Administrative Review Board
U.S. Department of Labor, Suite S-5220
200 Constitution Avenue, NW
Washington, DC 20210

Alternatively, the Board offers an Electronic File and Serve Request (EFSR) system. The EFSR system for electronic filing permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax (eFile). The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. E-filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents. Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact Boards-EFSR-Help@dol.gov.

Copies of the Petition should be served on all parties and on the undersigned Administrative Law Judge. No particular form is prescribed for the Petition; however, any such petition shall:

1. Be dated;
2. Be typewritten or legibly written;
3. Specify the issue or issues stated in this decision and order giving rise to the Petition;
4. State the specific reason or reasons why the party petitioning for review believes this decision and order is in error;
5. Be signed by the party filing the petition or by an authorized representative of such party;
6. Include the address at which such party or authorized representative desires to receive further communications relating thereto; and
7. Include as an attachment this Decision and Order, and any other record documents which would assist the ARB in determining whether review is warranted.

29 C.F.R. §503.51. If the ARB does not issue a notice accepting the Petition within 30 days after receipt of a timely filed petition, or within 30 days of the date of the decision if no petition has been received, the decision of the ALJ will be deemed the final agency action.

Whenever the ARB, either on the ARB's own motion or by acceptance of a party's petition, determines to review a decision of an ALJ, it will issue a notice specifying the issue or issues to be reviewed; the form in which submissions shall be made by the parties (e.g., briefs, oral argument); and the time within which such presentation shall be submitted. 29 C.F.R. § 503.53.