

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 31 October 2019

CASE NO.: 2019-TNE-00045

In the Matter of:

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

v.

FORAL LAWNS, INC.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This proceeding arises from the Secretary of Labor's enforcement of Temporary Non-agricultural Visa ("H-2B") provisions of the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.* (the "Act"), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, and 29 C.F.R. Part 503.

On July 23, 2019, the Administrator of the Wage and Hour Division, United States Department of Labor, issued a determination letter identifying Respondent's alleged violation of the H-2B provisions of the Act. On August 26, 2019, Respondent submitted a timely request for a hearing challenging the Administrator's determination. On October 23, 2019, the parties filed Consent Findings ("Consent Findings"). Upon review of the Consent Findings and the nature of the case, the terms are found to be fair and reasonable and in substantial compliance with 20 C.F.R. § 18.71 and 29 C.F.R. § 503.43(b). The amount of the assessed penalty in the settlement is adequate, and the settlement was not procured under duress or coercion. Therefore, the Consent Findings and proposed settlement are approved, and the Consent Findings are hereby incorporated into this decision.

In accordance with the terms of the Consent Findings, it is hereby **ORDERED**:

1. The total penalties related to this case shall be \$10,000.00;

2. Respondent shall pay these civil money penalties to the Wage and Hour Division, as follows:
 - a. A down payment; and
 - b. Ten (10) subsequent monthly payments;
3. Respondent shall comply in all respects with the Act and applicable regulations in the future;
4. The Consent Findings fully and finally resolve all outstanding issues between the parties in connection with the Administrator's determination letter of July 23, 2019;
5. The Consent Findings and this Order shall have the same force and effect as an order made after a full hearing and shall constitute the final administrative order in the case;
6. The entire record upon which this Order is based shall consist of the Administrator's determination letter and attachments thereto, Respondent's request for a hearing, and the Consent Findings;
7. Each party shall bear its own costs, attorney's fees and other expenses incurred by such party in connection with any stage of this proceeding;
8. Nothing in the Consent Findings is binding on any other government agency other than the U.S. Department of Labor; and
9. The hearing scheduled for March 12 – 13, 2020, in Omaha, Nebraska is cancelled.

SO ORDERED.

Boston, Massachusetts

JERRY R. DeMAIO
Administrative Law Judge