

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

Issue Date: 22 July 2019

CASE No.: 2019-TNE-00026

In the Matter of:

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

v.

CURTI'S LANDSCAPING INC.,
Employer.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This case arises under the temporary non-immigrant non-agricultural worker visa (“H-2B”) provisions of the Immigration and Nationality Act (“INA” or “the Act”), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(B), 1184(c)(1), and its implementing regulations at 20 C.F.R. Part 655, subpart A, 29 C.F.R. Part 503, and 8 C.F.R. § 214.2(h)(6) (Department of Homeland Security regulations).

On April 10, 2019, the Wage and Hour Division issued a Determination Letter alleging violations by Employer regarding an Application for Temporary Certification, ETA Form 914B with Appendix B, in violation of 29 C.F.R. §§ 503.16(a)(1) and (2). Employer timely requested a hearing before an Administrative Law Judge.

On June 11, 2019, the parties jointly filed a document entitled Consent Findings and Order (“Consent Findings”). In settlement, the Consent Findings acknowledge that Employer has already paid \$37,032.34 in assessed back wages, would pay a penalty in the total amount of \$12,000.00, and would fully comply with the requirements of the H-2B program and applicable regulations.

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 Consent Findings, I am satisfied with their

form and substance. I am satisfied that they conform to the requirements of 29 C.F.R. § 503.49(b),¹ and are a satisfactory resolution of the issues previously contested.

Accordingly, **IT IS HEREBY ORDERED** that, pursuant to 29 C.F.R. § 503.49(d):

1. I accept and **APPROVE** the Consent Findings of June 11, 2019; and
2. The Consent Findings of June 11, 2019, are **ADOPTED** and **INCORPORATED IN FULL** into this Decision and Order.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts

¹ The following appear in the Consent Findings, as required, and are also incorporated herein:

1. The order will have the same force and effect as an order made after full hearing (Consent Finding ¶ 9);
2. The entire record on which any order may be based will consist solely of the notice of administrative determination (or amended notice, if one is filed), and the agreement (¶ 10);
3. The parties waive any further procedural steps before the ALJ (¶ 11); and
4. The parties waive any right to challenge or contest the validity of the Consent Findings and order entered into in accordance with the agreement (¶ 12).

See 29 C.F.R. § 503.49(b).