
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.

---

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).