

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 02 July 2019**

**OALJ Case No: 2019-TNE-00004**

In the Matter of:

**SOUTHEAST WOODLAND SERVICES INCORPORATED,**

Respondent.

**DECISION AND ORDER**  
**APPROVING CONSENT FINDINGS**

This case arises under the Temporary Non-Agricultural Employment of H2-B Aliens provisions of the Immigration and Nationality Act of 1952 (“INA”) 8 U.S.C. §1101 et seq., as amended, and its implementing regulations found at 8 CFR §241.2(h)(6), 20 CFR Part 655, Subpart A, and 29 CFR Part 503, Subpart C. Pursuant to 20 CFR §503.44, the proceedings will be held in a manner consistent with the procedural and evidentiary rules set forth in Federal regulations 29 CFR Part 18, Subpart A (29 CFR §18.10 to §18.95). This matter was scheduled for hearing to commence at 9:00 a.m., Wednesday, May 29, 2019, in Charleston, South Carolina.

On May 15, 2019, counsel for the Respondent called this office and advised the matter had resolved. On May 15, 2019, the Solicitor on behalf of the Administrator, advised that “the parties have reached an agreement to resolve this matter, and request that the hearing set for May 29, 2019 be cancelled.” The court cancelled the hearing at the Parties’ requests inasmuch as they reached an agreement to resolve this matter.

On June 28, 2019, the Parties filed Consent Findings and requested that the court issue an Order approving the full and final resolution of this action raised by the Administrator’s Determination Letter issued to Respondent on September 26, 2018. The Consent Findings were signed by both Parties. The Parties agreed that the Order has the same effect as one made after a full hearing. The Parties agreed that the Order is based on a record that consists of the Determination Letter and attachments dated September 26, 2018. The Parties agreed to waive all further procedural steps between themselves before the Office of Administrative Law Judges. The Parties agreed to waive any right to contest the validity of the findings or any Ordered entered.

The Parties agreed that Southeast Woodland Services, Inc. owes civil money penalties in the total amount of \$6,500.00 and agreed to pay \$9,534.00 in back wages to “Wage and Hour Division - Labor.” The Parties’ submission is deemed to be a settlement with Consent Findings pursuant to 29 CFR 18.71, formerly 29 CFR 18.9.

Upon review of the record, the Consent Findings are approved. The agreement constitutes full and final resolution of this matter.

**ORDER**

IT IS ORDERED that:

1. The Consent Findings are approved;
2. This Order shall have the same force and effect as an Order made after a full hearing;
3. Any further procedural steps before this Office are hereby waived;
4. All rights to challenge or contest the validity of this Order are hereby waived;
5. Each party shall bear its own costs, expenses, and legal and accounting fees incurred in connection with the instant proceeding; and
6. This matter is DISMISSED with prejudice.

**SO ORDERED.**

DANA ROSEN  
Administrative Law Judge

DR/mjw  
Newport News, VA