



Issue Date: 20 February 2020

OALJ CASE NO.: 2019-TNE-00012

In the Matter of:

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

v.

**THE BAYBERRY GROUP, INC.,
D/B/A THE HOMESTEAD,**
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

The above-captioned matter arises from the Secretary of Labor’s enforcement of H-2B provisions of the Immigration and Nationality Act (“INA”)¹ and the implementing regulations promulgated by the Department of Labor (“Department”) and the Department of Homeland Security governing the administration and enforcement of the H-2B temporary labor certification program.²

On November 21, 2018, the Assistant District Director of the U.S. Department of Labor’s Wage and Hour Division issued a determination under the INA against The Bayberry Group, Inc., doing business as The Homestead (the “Respondent”). Following an investigation, the Wage and Hour Division determined that the Respondent violated the H-2B regulations. As a result, the Wage and Hour Division assessed civil money penalties against the Respondent and concluded that the Respondent owed unpaid wages to twenty-six workers. By letter dated December 19, 2018, the Respondent appealed.

¹ 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b), 1184(c)(1), 1184(c)(14), as amended.

² Temporary Non-Agricultural Employment of H-2B Aliens in the United States; Interim Final Rule, 80 Fed. Reg. 24042 (Apr. 29, 2015) (to be codified at 20 C.F.R. part 655, subpart A, and 29 C.F.R. part 503). All citations to 29 C.F.R. part 503 refer to the Interim Final Rule.

This matter was assigned to the undersigned on January 4, 2019. On December 30, 2019, counsel for the Administrator of the Wage and Hour Division (“Administrator”) filed a Notice of Settlement. Thereafter, on February 13, 2020, the Administrator filed the parties’ executed Consent Findings.

Having reviewed the record, I am satisfied that the Consent Findings conform to the requirements of 29 C.F.R. § 503.49(b). Moreover, they adequately resolve the issues the parties previously contested. Therefore, I hereby **APPROVE** the Consent Findings.

ORDER

It is **ORDERED** that, pursuant to 29 C.F.R. § 503.49(d):

1. I hereby **APPROVE** the Consent Findings dated February 5, 2020;
and
2. I hereby **ADOPT** and **INCORPORATE IN FULL** the Consent Findings in this Decision and Order.

JOHN P. SELLERS, III
ADMINISTRATIVE LAW JUDGE