



**Issue Date: 23 June 2020**

CASE NO.: 2019-TNE-00036

*In the Matter of:*

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

v.

**BUDGET LUXURY INN OF TRAVERSE CITY, LP,  
D/B/A COUNTRY INN & SUITES,**  
*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”)<sup>1</sup> 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.<sup>2</sup>

On June 12, 2019, the Administrator of the U.S. Department of Labor’s Wage and Hour Division issued a determination under the INA against Budget Luxury Inn of Traverse City, LP, doing business as Country Inn & Suites (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. By letter dated July 12, 2019, the Respondent appealed.

This matter was assigned to the undersigned on July 31, 2019. By order dated February 6, 2020, a hearing was set for May 26, 2020. On February 27, 2020, the parties filed with the undersigned a Joint Notice of Settlement. The parties filed with the undersigned a Consent

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

<sup>2</sup> 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.

Findings and Settlement Agreement (the “Consent Findings”) dated June 9, 2020. The parties agreed that the Respondent shall pay the Department \$25,985.11 in civil money penalties related to its alleged violations of the H-2B provisions of the INA, which occurred from June 19, 2016 through November 15, 2018. Payment shall be made according to the process outlined in the 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 May 15, 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