

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

Issue Date: 23 January 2020

CASE No.: 2019-TNE-00043

In the Matter of:

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

v.

**GREG'S LAWN SERVICE, d/b/a
GREG'S LAWN SERVICE & LANDSCAPING SERVICE**
Respondent/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 July 16, 2019, the Wage and Hour Division issued a Determination Letter alleging violations of the H-2B provisions of the INA by Employer Greg's Lawn Service, Inc. d/b/a Greg's Lawn & Landscaping Service, resulting in back-wages due of \$25,083.09, and seeking civil money penalties in the amount of \$34,604.34. On August 16, 2019, Employer timely requested a hearing before an Administrative Law Judge.

The parties subsequently settled the matter in mediation, and on November 27, 2019, Chief Administrative Law Judge Henley issued a Supplemental Order Concluding Mediation. On January 17, 2020, the parties jointly filed a Settlement Agreement and Consent Findings ("Consent Findings"). In settlement, Employer agrees to pay the Department of Labor a total of \$26,015.28, covering back wages and civil money penalties, and the parties further agree to comply with the H-2B 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), 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 filed January 17, 2020; and
2. The Consent Findings of January 17, 2020, are **ADOPTED** and **INCORPORATED IN FULL** into this Decision and Order.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts