

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 September 2019

OALJ Case No: 2019-TNE-00006

OALJ Case No: 2019-TNE-00029

In the Matter of:

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

Prosecuting Party,

v.

**NORMA NUNEZ-CORTEZ d/b/a
NUNEZ PINE STRAW, INCORPORATED,**

Employer.

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).

On September 4, 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 Letters issued to Respondent on October 24, 2018 and April 17, 2019. 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 Letters and attachments dated October 24, 2018 and April 17, 2019. 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 Respondent Norma Nunez-Cortez d/b/a Nunez Pine Straw, Inc., owes civil money penalties in the total amount of \$6,127.30 and agreed to pay \$73,872.70 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