



**Issue Date: 30 October 2019**

CASE NO.: 2019-TNE-00034  
WHD NO.: 180544

*In the Matter of:*

OUTDOORS UNLIMITED, INC.  
d/b/a OUTDOORS UNLIMITED,  
*Employer.*

**DECISION AND ORDER ON CONSENT FINDINGS**

This case arises out of enforcement of the labor certification for temporary and seasonal agricultural employment of nonimmigrant foreign workers (H-2B workers) under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. §1101, et seq., and its implementing regulations at 20 C.F.R. Part 655, Subpart A.

By correspondence dated June 6, 2019, the Assistant District Director, Wage and Hour Division of the U.S. Department of Labor notified Respondent that an investigation under the INA involving an Applications for Temporary Employment Certification covering the period from December 1, 2015 to November 29, 2017 revealed that the Respondent had employed workers covered by the H-2B provisions of the INA and had substantially failed to comply with its obligation to pay the proper wage and to comply with the safety requirements of employer-provided transportation. WHD determined that Respondent owed \$161,725.71 in unpaid wages and imposed civil money penalties of \$31,737.50. The Respondent filed a timely request for a de novo hearing of the Administrator's actions.

On October 28, 2019, the parties filed a settlement agreement resolving the issues raised by the Administrator's Determination Letter issued to Respondent on June 6, 2019. The parties have agreed:

1. Respondent will pay a total of \$52,000 in back wages via cashier's checks in the amount of \$2,000 per month for 26 months;
2. The first \$2,000 payment shall be due on November 30, 2019;
3. Each remaining payment shall be due on the last day of each month;
4. The checks shall be made payable to the U.S. Department of Labor, with the case name and case number printed on each check;
5. Each check shall be delivered or mailed to Melissa Castillo, Acting Director of Enforcement, U.S. Department of Labor, Wage and Hour Division, Atlanta Federal Center, 61 Forsyth Street S.W., Room 7M40, Atlanta, Georgia 30303.

6. In consideration of this settlement, the Department of Labor waives the assessed civil money penalties of \$31,737.50;
7. Respondent understands that it is the position of the Department of Labor that, under applicable law and regulations, transportation to and from the work site and between work sites is compensable time;
8. Respondents agree that neither they nor their agents, servants, employees, and all persons in active concert or participation with them who receive actual notice hereof, or any successor-in-interest (as defined in 20 C.F.R. § 655.5), will submit any Applications for Temporary Employment Certification for a one-year period, beginning with the date of this Order. The Respondents agree that during this time period, no petitions will be filed by, or on behalf of, Respondents or their agents, employees, and all persons in active concert or participation with them.
9. The parties shall bear their own costs (including, but not limited to, attorney's fees) incurred in connection with the investigation, prosecution, and defense of this action.
10. This Order shall have the same force and effect as an Order made after full hearing.

### **ORDER**

Upon review, the parties' Settlement Agreement is APPROVED as the final administrative Order in this matter. This Order is effective upon the date of issue set forth.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge

PCJ, Jr./ksw  
Newport News, Virginia