



Issue Date: 12 March 2020

Case Number: 2020-TNE-00009

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION

Prosecuting Party,

v.

DIRT ROAD, INC.

d/b/a CHOATE USA

Respondent.

ORDER APPROVING CONSENT FINDINGS

This matter arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 *et seq.*, and the implementing regulations at 20 C.F.R. Part 655, docketed in the Office of Administrative Law Judges (“Office”) and assigned to me for hearing and decision. All future pleadings, responses, and correspondence should contain the case number above and should be addressed to me at the above address.

The District Director of the Department of Labor’s Wage and Hour Division (“WHD”) in San Antonio, Texas issued an Administrator’s Determination (Reference #1774091) on November 5, 2019 to Dirt Road, Inc. d/b/a Choate USA (“Respondent”), finding violations of certain H-2B visa provisions regarding an Application for Temporary Employment Certification.¹ As a consequence of the violations, civil money penalties (“CMP”) in the amount \$15,880.79 were assessed. *See* 29 C.F.R. § 503.23. On November 27, 2019, Respondent filed a letter with this Office contesting the findings and requesting a hearing. By Order issued February 11, 2020, an April 21, 2020 hearing in Dallas, Texas was cancelled upon notice that the parties had reached a settlement.

On March 10, 2020, counsel for the Administrator filed *Consent Findings* and a proposed *Decision and Order* indicating that the parties had, in fact, reached a resolution on all issues thereby obviating the need for a formal hearing. The Administrator agrees to modify the Determination Letter by reducing the CMP to \$11,880.79. Respondent agrees to withdraw its request for hearing and exception to the administrative determination and pay the abated CMP by

¹ The determination letter alleged that Respondent owed \$1,880.79 in unpaid wages to eleven (11) workers covering the period April 1, 2015 to December 31, 2015, which Respondent has paid in full.

April 1, 2020 by mailing a cashier's or certified check to U.S. Department of Labor, Wage and Hour Division, 525 S. Griffin St., Room 800, Dallas, Texas 75202.

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 agreement, 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, the *Consent Findings* are adopted and incorporated in full into this Order. Upon payment of the civil money penalty, this matter is DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge