



Issue Date: 08 May 2020

Case Number: 2020-TNE-00037

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

E.C. CONSTRUCTION, INC.,
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 and assigned to me for a decision.

The Assistant District Director of the Department of Labor’s Wage and Hour Division (“WHD”) located in Louisville, Kentucky issued an Administrator’s Determination (Reference #1850610) on September 3, 2019 to E.C. Construction, Inc. (“Respondent”), finding violations of certain H-2B visa provisions regarding an Application for Temporary Employment Certification covering the period April 1, 2017 to December 1, 2018. As a consequence of the violations, civil money penalties (“CMP”) in the amount \$49,510.50 were assessed. *See* 29 C.F.R. § 503.23.

Due to the COVID-19 pandemic, this matter has not yet been scheduled for hearing. However, on April 20, 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 \$24,755.25. Respondent agrees to pay the abated CMP in six (6) monthly installments by mailing a cashier’s check or other certified funds, identifying reference number #1850610, to the Wage and Hour Division, U.S. Department of Labor, Romano Mazzoli Federal Building, 600 Dr. Martin Luther King, Jr. Place, Room 352, Louisville, KY 40202.

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 CMP, this matter is DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge