

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

Issue Date: 14 July 2020

CASE NO.: 2020-TNE-00033

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR
Prosecuting Party,

v.

VALLEY'S LAWN & LANDSCAPE, LLC,
Respondent.

ORDER APPROVING CONSENT FINDINGS

The matter before me arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b) and 1184(c)(14), as amended, and the implementing regulations at 20 C.F.R. Part 655, Subpart A and 29 C.F.R. Part 503.

On March 27, 2020, the Administrator of the U.S. Department of Labor, Wage and Hour Division ("Administrator") issued a determination letter to Valley's Lawn and Landscape ("Respondent"), finding several violations of certain H-2B provisions of the INA covering the period of January 1, 2017, through August 30, 2019. As a consequence of the violations, back wages in the amount of \$5,364.16 was owed to four workers and civil money penalties ("CMP") in the amount of \$13,115.56 were assessed. *See* 29 C.F.R. § 503.23. By letter dated April 22, 2020, Respondent timely contested the Administrator's determination and requested a hearing.

On July 8, 2020, counsel for the Administrator filed a *Settlement Agreement and Consent Findings* ("Consent Findings") indicating the parties had reached a resolution on all issues thereby obviating the need for a formal hearing. The Consent Findings indicate Respondent has agreed to pay the \$5,364.16 in back wages owed to four workers and the Administrator has agreed to reduce the CMP to \$3,218.50. Respondent also agreed to comply with the INA and all applicable regulations in the future.

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 find 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.

In light of the foregoing, the Consent Findings are **APPROVED** and, upon payment of the back wages and CMP, the case is **DISMISSED**.

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts