

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

Issue Date: 15 April 2020

CASE NO.: 2020-TNE-00019

In the Matter of:

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

v.

WESTERLY INNS, LLC,
d/b/a PLEASANT VIEW INN,
Respondent.

ORDER APPROVING CONSENT FINDINGS

The above-captioned matter 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 January 15, 2020, the Administrator of the U.S. Department of Labor, Wage and Hour Division ("Administrator") issued a determination letter (Reference No.: 1858091) to Westerly Inns, LLC d/b/a Pleasant View Inn ("Respondent"), finding several violations of certain H-2B provisions of the INA covering the period of January 1, 2016, through October 27, 2018. As a consequence of the violations, back wages in the amount of \$35,727.26 was owed to 18 workers and civil money penalties ("CMP") in the amount of \$47,152.76 were assessed. *See* 29 C.F.R. § 503.23. By letter dated February 12, 2020, Respondent contested the assessment of the CMP and requested a hearing before the Office of Administrative Law Judges.

On April 14, 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 \$35,727.26 in back wages owed to 18 workers on or before May 15, 2020. The Administrator has agreed to reduce the CMP to \$37,271.35, which Respondent shall pay on or before May 15, 2020, as outlined in the agreement. 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 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.

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