



Issue Date: 24 July 2020

OALJ Case Number: 2020-TNE-00004
WHD Case Number: 1863946

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

HERRINGTON HARBOUR, 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. An Assistant District Director of the Department of Labor’s Wage and Hour Division issued an Administrator’s Determination to Respondent on September 25, 2019, finding violations of certain H-2B provisions of the INA regarding two Applications for Temporary Employment Certification covering the period from October 31, 2016 to October 31, 2018. As a consequence of the violations, civil money penalties (“CMP”) in the amount of \$24,012.21 were assessed. *See* 29 C.F.R. § 503.23. The determination letter also alleged that Respondent owed \$24,078.26 in back wages to sixteen (16) workers, which Respondent paid in full, but under protest. On October 24, 2019, Respondent requested a hearing before the Office of Administrative Law Judges, currently scheduled for September 3, 2020 in Washington, D.C.

On July 24, 2020, counsel for the Administrator filed *Consent Findings* and a proposed *Order* indicating that the parties have 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 \$14,600.00. Respondent agrees to withdraw its October 24, 2019 hearing request and pay the abated CMP within thirty (30) days of this Order.

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 approved and adopted and incorporated in full into this Order. The Consent Findings shall constitute full, final, and complete adjudication of the proceedings and shall have the same force and effect as an order

made after a full hearing. The hearing scheduled for September 3, 2020 is CANCELLED. All previously issued deadlines are REVOKED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge