

**U.S. Department of Labor**

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**Issue Date: 17 November 2020**

CASE NO.: 2020-TNE-00027

*In the Matter of:*

ADMINISTRATOR, WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR

Prosecuting Party

v.

NEMACOLIN WOODS, INC.,

Respondent

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

The above captioned matter arises under the H-2B provisions of the Immigration and Nationality Act, (“INA”), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), and the applicable regulations issued thereunder at 20 C.F.R. Part 655 and 29 C.F.R. Part 503. A hearing in this matter is scheduled for December 8, 2020, before the undersigned Administrative Law Judge. On November 13, 2020, the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Respondent, Namacolin Woods, Inc. (“Respondent”) filed Consent Findings resolving all issues in dispute in this case, relating to Respondent’s contest of the Administrator’s Determination Letter of March 4, 2020 (“Determination Letter”) regarding Respondent’s compliance with the H-2B provisions of the INA. Respondent, Respondent’s attorney, and the Attorney for the Prosecuting Party signed the Consent Findings on November 13, 2020.

As stated in the Consent Findings, Respondent has withdrawn its request for a hearing, agreed that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.71(b)(2) and 29 C.F.R. § 503.49(b)(2), consist solely of the Determination Letter and the Consent Findings, and waived all further procedural rights as provided in 29 C.F.R. § 18.71(b)(3) and (4) and 29 C.F.R. § 503.49(b)(3) and (4).

The Consent Findings are marked for Identification as ALJ Exhibit No. 1, and are attached hereto, and made a part hereof. The undersigned has examined the Consent Finding and concludes that all issues in contest between the Administrator and Respondent related to the March 4, 2020 Determination Letter have been resolved. The Consent Findings comply with the requirements of 20 C.F.R §503.49(b).

Accordingly, **IT IS ORDERED** that the Consent Findings (ALJ Exhibit No. 1) are **APPROVED** in full, and incorporated herein by reference. The Consent Findings shall

constitute my findings of fact and conclusions of law, and shall constitute full, final, and complete adjudication of this proceeding, and shall have the same force and effect as an order made after full hearing. The December 8, 2020 hearing in this matter is **CANCELLED**.

**SO ORDERED.**

**DREW A. SWANK**  
Administrative Law Judge