



Issue Date: 16 February 2021

CASE NO.: 2020-TNE-00040

In the Matter of:

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

v.

UNIVERSAL CLEANERS, LLC.
Respondent.

**DECISION AND ORDER APPROVING CONSENT FINDINGS AND SETTLEMENT
AGREEMENT, DISMISSING CASE AND CANCELLING HEARING**

The above-captioned matter arises from the Secretary of Labor’s enforcement of H-2B provisions of the Immigration and Nationality Act (“INA”), the implementing regulations governing the H-2B temporary labor certification program,¹ and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges.² On February 16, 2021, pursuant to 29 C.F.R. § 503.49, the Prosecuting Party, Administrator, United States Department of Labor, Wage and Hour Division (“Administrator”), and Respondent, Universal Cleaners, LLC (“Respondent”), filed “Consent Findings and Settlement Agreement” (hereafter “the Agreement”) constituting a full and final resolution of this matter and all issues raised by the Administrator’s Determination Letter issued to Respondent on April 27, 2020.

The regulations specify that an agreement containing consent findings and an order disposing of a proceeding must provide:

1. That the order will have the same force and effect as an order made after a full hearing;

¹ 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b), 1184(c)(1), 1184(c)(14), as amended; 29 C.F.R. parts 655 and 503.

² 29 C.F.R. Part 18, Subpart A.

2. That the entire record on which the order is based will consist solely of the notice of administrative determination and the agreement;
3. A waiver of any further procedural steps before the administrative law judge; and
4. A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

A review of the Agreement indicates that the above requirements are met. The Agreement provides that it constitutes a full and final resolution of all violations set forth in the Administrator's Determination letter issued April 27, 2020.

IT IS THEREFORE ORDERED that the Consent Findings and Agreement are hereby **APPROVED** and **ADOPTED** herein in full. The Administrator's Determination and penalties are amended as set forth in paragraphs 5 and 6 of the Agreement and the Determination as amended is a final and enforceable order. Pursuant to the Agreement, the Respondent's Request for Hearing is withdrawn. Each party is to bear its own costs, attorney fees and other expenses incurred herein. The parties are directed to comply fully with their obligations under the Agreement.

The hearing scheduled for March 30, 2021 is **CANCELLED** and this matter is hereby **DISMISSED**.

SO ORDERED.

LARRY A. TEMIN
ADMINISTRATIVE LAW JUDGE