

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 18 April 2006**

CASE NO.: 2006-TAE-00001

In the Matter of:

JAMIE SCHEMPER  
d/b/a SCHEMPER HARVESTING,  
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises under the Immigration and Nationality Act, 8 U.S.C. § 1101, et. seq., as amended by the Immigration Reform and Control Act of 1986, Pub L. 99-603, § 301, 100 Stat. 3359, 341, and the implementing regulations. By written notice issued November 8, 2005, the Wage and Hour Division of the U.S. Department of Labor's Employment Standards Division assessed a civil money penalty against Respondent. By letter dated November 9, 2005, Respondent made a timely request for a hearing before the Office of Administrative Law Judges for the U.S. Department of Labor ("OALJ"). An Order of Reference was filed with OALJ on December 6, 2005, and the case was assigned to me.

By Notice issued December 12, 2005, I scheduled a hearing in this matter for Omaha Nebraska. The parties jointly moved for a continuance of the hearing date and by Order issued December 23, 2005, I set the hearing to commence on March 7, 2006. On February 28, 2006, the parties filed notice with me that the matter had been resolved. On April 10, 2006, the parties filed fully executed consent findings.

In accordance with the provisions of 29 C.F.R. Part 501.40, I find that the Consent Findings are complete and acceptable. Accordingly, the Consent Findings are approved and the factual assertions therein are fully adopted. The agreement constitutes full and final resolution of this matter, and based upon its terms, it is ORDERED that:

1. Without admitting or denying the allegations set forth in the Administrator's determination, Respondent shall pay back wages to the following foreign workers in the aggregate amount of \$3,929.14 in the stated sums:

- (a) Ross Geraghty, \$3,178.38
- (b) Allen Thompson, \$37.10
- (c) Robert Wolmaran, \$713.66

2. Respondent shall make these payments to the Administrator of the Wage and Hour Division ("Administrator") by not later than May 31, 2006. Payment shall be in the form of certified checks in the amounts set forth herein made out to "[foreign worker named at ¶ 1.(a)-

(c)] or Wage and Hour-Labor”.

3. Respondent shall pay a civil money penalty in the amount of \$3,070.86 by tendering to the Administrator not later than May 31, 2006 a certified check drawn in that amount made payable to “Wage and Hour-Labor”.

4. The parties agree that the amounts due and owing under this agreement are subject to the provisions of the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996 (Public Law 104-134), and to the provisions of 29 C.F.R. § 501.21, and subject to enforcement thereunder if not paid.

5. This Order shall have the same force and effect as an Order made after a full hearing.

6. The entire record upon which this Order is based shall consist solely of the administrative determination, Respondent’s request for a hearing, and the Stipulated Consent Findings and Order.

7. Any further procedural steps before the Office of Administrative Law Judges are hereby waived.

8. All rights to challenge or contest the validity of this Order which has been entered into in accordance with the Consent Findings are hereby waived, and;

9. Each party agrees to bear any costs, expenses and fees that it incurred in relation to the instant proceeding.

IT IS FURTHER ORDERED that this matter is hereby dismissed. This Decision constitutes the Final Order of the Secretary.

**A**

Janice K. Bullard  
Administrative Law Judge

Cherry Hill, New Jersey