

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 October 2012

Case Nos. 2012-MSP-1
 2012-TAE-3

In the Matter of:
ADMINISTRATOR, WAGE & HOUR DIVISION
U.S. DEPARTMENT OF LABOR

v.

JOE CHAPMAN,
Respondent.

ORDER APPROVING FINAL JUDGMENT

This is a two-fold enforcement proceeding. Case number 2012-MSP-1 arises under the Migrant and Seasonal Agricultural Worker Protection Act of 1983 (MSPA), 29 U.S.C. § 1853(b)(1) and regulations found at 29 C.F.R. Part 500. Case No. 2012-TAE-3 arises under the H-2A provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act (IRCA), 8 U.S.C. 1101(a)(15)(h)(ii)(a), 1184(c) and 1186, and regulations founds at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

By notice dated August 9, 2011, the Wage and Hour Division issued a determination letter to Joe Chapman, assessing a civil money penalty in the amount of \$200.00 pursuant to Section 503(a) of the MSPA and 29 C.F.R. Part 500 for Respondent's failure to make/keep employer records (Case No. 2012-MSP-1).

By notice dated August 11, 2011, the Wage and Hour Division issued a determination letter to Joe Chapman, assessing civil money penalties in the amount of \$12,150.00 for violations of 20 C.F.R. § 655.122(d)(1)(i) and (d)(2); 20 C.F.R. § 655.122(h)(1) and (1) and (p) and (q); and 20 C.F.R. 655.135(c) and (k). The violations included failure of the worker-housing to meet applicable safety and health standards; failure to comply with inbound transportation requirements; failure to provide workers a copy of the work contract; failure to pay required rates; unlawful deductions; failure to comply with recruitment requirements; and failure to contractually forbid cost shifting

On September 5, 2012, the parties filed a "Final Judgment" with the undersigned. A copy of that document is attached and incorporated into this Order. The document evinces that the parties have reached an agreement on all the disputed claims and wish to settle the matter

without need for hearing. It is noted that Mr. Chapman is represented by counsel. Therefore, by the terms of the agreement reached by the parties, and it appearing just and proper to do so, it is hereby **ORDERED** that:

1. This Order approving the parties "Final Judgment" shall have the same force and effect as an order made after a full hearing. The parties waive any further procedural steps before an administrative law judge, and expressly waive the right to challenge or contest the validity of this Order.
2. The parties shall bear their own costs (including, but not limited to, attorney fees) incurred in connection with the investigation, prosecution, and defense of this claim.
3. Mr. Chapman shall pay a total of \$6,075.00 in civil money penalties to the U.S. Department of Labor for the violations of the H-2A provisions of the INA (Case No. 2012-TAE-3). Mr. Chapman shall pay the amount as follows: \$3,000.00 within 30 days after the entry of this Final Judgment and \$3,075.00 to be paid on or before January 31, 2013.
4. Mr. Chapman shall pay a civil money penalty of \$200.00 for the MSPA violation (Case No. 2012-MSP-1) on or before October 31, 2012.

SO ORDERED.

JOHN P. SELLERS, III
Administrative Law Judge