

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 October 2012

CASE NO.: 2012-TAE-11

IN THE MATTER OF

**JOSE GONZALEZ d/b/a VICTORY NURSERY and
d/b/a VICTORY'S BATTLE CREEK NURSERY, INC.**

Respondent

DECISION AND ORDER

This is a proceeding under the H-2A provisions of the Immigration and Nationality Act, ("INA"), 8 U.S.C. §1101(a)(15)(H)(ii)(a), 1184(c), and 1186 and the applicable regulations issued thereunder at 20 C.F.R. Part 655, Subpart B. The Administrator and Victory Nursery have filed Consent Findings resolving all issues in dispute in this case relating to Victory Nursery's contest of the Administrator's findings regarding its compliance with the H-2A provisions of the INA. The Consent Findings are attached hereto and made a part hereof. The undersigned has examined the stipulations of fact and conclusions of law contained therein and concludes that all issues in contest between the Administrator and Victory Nursery have been resolved. Accordingly,

IT IS ORDERED that the Consent Findings be, and the same hereby are **APPROVED**, and

IT IS FURTHER ORDERED that civil money penalties in the total amount of \$4,000.00 to be paid by Victory Nursery to the Wage and Hour Division of the Department of Labor shall be deemed to be full satisfaction of the civil money penalties claim against Victory Nursery arising out of its employment of nine H-2A workers.

FINALLY, IT IS ORDERED that the Consent Findings be made a part of the record.

The hearing scheduled on January 24, 2013 is cancelled.

ORDERED this 23rd day of October, 2012, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) days of the date of issuance of the administrative law judge's decision. See 29 C.F.R. § 501.42(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. The Respondent, Administrator, or any other party desiring review of the administrative law judge's decision may file a Petition. 29 C.F.R. § 501.42(a). Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties to the case as well as the administrative law judge. 29 C.F.R. § 501.42(a).

If no Petition is timely filed, or the ARB does not accept the Petition for review, the administrative law judge's decision becomes the final agency action. See 29 C.F.R. §501.42(a). Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. See 29 C.F.R. § 501.42(a).