



**Issue Date: 29 April 2015**

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**OALJ Case No.: 2013-TAE-9**

*In the Matter of*

**A TEAM HARVESTING 3, LLC**

*Respondent*

### **ORDER APPROVING CONSENT FINDINGS**

This matter arises under § 218 of the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.* (“INA”) as amended by the Immigration Reform and Control Act of 1986, Pub L. 99-63, § 301, 100 Stat. 3359, 341 (“IRCA”) and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

On April 13, 2015, the Office of the Solicitor in Kansas City, Missouri, U.S. Department of Labor, counsel for the Administrator of the Wage and Hour Division, U.S. Department of Labor (“Plaintiff”), filed with the Office of Administrative Law Judges an Order of Reference, Consent Findings, and proposed Order. Plaintiff alleged that A Team Harvesting 3, LLC (“Respondent”) committed various violations of the INA and applicable regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. As a result, Plaintiff sought back wages of \$22,947.84 and a civil money penalty of \$19,100.

The Consent Findings filed with this Office state that the parties agree that Respondent withdraws its exceptions to the December 5, 2012 Determination Letter and will pay \$11,600.00 in unpaid wages due to nine (9) individuals, including eight (8) foreign nonimmigrant workers and one (1) domestic employee; these workers are listed in Attachment A of the Consent Findings. Moreover, Respondent understands it remains responsible for the employer’s share of the F.I.C.A. due to the wages paid to its only domestic employee named in Attachment A of the Consent Findings. These wages due to its domestic employee will be paid to the State of Oregon pursuant to a garnishment order served on the Respondent. Further, Respondent agrees to pay \$4,000.00 in civil money penalties. Additionally, Respondent agrees that it will not request to bring in foreign nonimmigrant workers for temporary seasonal agricultural employment through the federal government’s H-2A program under 8 U.S.C. § 1101(a)(15)(H)(ii)(a) for three (3) years. Finally, Respondent agrees to comply in the future with all applicable provisions of the INA and its implementing regulations.

The INA rules of procedure for administrative proceedings are set forth in 29 C.F.R. Part 501. Section 501.40 provides that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she is “satisfied with its form and substance.” After reviewing the terms of the agreement, I am satisfied that the agreement conforms to the requirements set forth in § 501.40 and is a satisfactory resolution of the issues previously contested. Accordingly, the Consent Findings, which will be filed with the case file, are APPROVED and ADOPTED as part of this Order in their entirety.

**SO ORDERED.**

**WILLIAM S. COLWELL**  
Associate Chief Administrative Law Judge

Washington, D.C.  
WSC: ldg