



Issue Date: 16 May 2017

Case No.: 2013-TAE-00013

In the Matter of:

BLUFF GARDENS, INC.,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This proceeding 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), and the implementaint regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Parts 501 and 502. On January 8, 2013, the Administrator, Wage and Hour Division, U.S. Department of Labor, issued a determination letter to Respondent detailing its findings resulting from an investigation into Respondent’s applying for and employing H-2A workers during the period from September 27, 2009, through July 9, 2012. On February 6, 2013, Respondent filed with the Office of Administrative Law Judges (“OALJ”) a Request for Hearing contesting these findings.

On April 18, 2017, the parties submitted their Settlement Agreement and Consent Findings, in which the Adminitrator agrees to amend the civil money penalties in this matter to \$1,500.00 for the alleged H-2A violations, and in which Respondent agrees to pay \$1,500.00 in civil money penalties to the Administrator. The parties agree that this “payment shall be considered satisfaction of all penalties assessed in this matter” and that the “Settlement Agreement resolves all issues raised in case no. 2013-TAE-13 for the period identified in paragraph 2 of this Settlement Agreement [September 27, 2009, through July 9, 2012].” Settlement Agreement and Consent Findings, at 3. The parties also agree that each party shall bear its own costs, attorney’s fees, and expenses incurred in connection with this proceeding. *Id.*

Additionally: (1) this Decision and Order shall have the same force and effect as an order made after a full hearing; (2) the entire record on which this Decision and Order is based consists solely of the January 8, 2013 determination letter issued by the Administrator, which constitutes the Order of Reference, and the parties’ Settlement Agreement and Consent Findings; (3) the parties waive any further procedural steps before me; and (4) the parties waive the right to challenge the validity of the Settlement Agreement and Consent Findings and this Decision and Order, which is entered in accordance with the Settlement Agreement and Consent Findings. *See* Settlement Agreement and Consent Findings, at 2.

I am satisfied that the Settlement Agreement and Consent Findings conforms to the requirements set forth in 29 C.F.R. § 501.40 and is a satisfactory resolution of the issues previously contested. Accordingly, the terms of the Settlement Agreement and Consent Findings are **APPROVED** and are incorporated by reference into this Decision and Order. This matter, OALJ Case No. 2013-TAE-00013, is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

PAUL R. ALMANZA
Associate Chief Administrative Law Judge