

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 June 2014

Case No.: 2013-TAE-00008
2013-MSP-00004

MSHA Case No.: 2013-MSPA-P-00004

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION

Complainant,

v.

JIM AND ANN SHIPLEY D/B/A
HICKORY CORNER FARM,
HICKORY CORNER DAIRY,

Respondent.

**ORDER APPROVING FINAL JUDGMENT
NEGOTIATED BY THE PARTIES**

This case arises under both the Migrant and Seasonal Agricultural Worker Protection Act of 1983 (MSPA), 29 U.S.C. § 1801 *et seq.* and 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.

On April 6, 2012, the Wage and Hour Division issued a determination letter assessing back wages and civil money penalties against the Respondents. On June 27, 2012, counsel for the Respondents submitted a letter contesting the determination and requesting a hearing.

The parties negotiated a settlement and on June 3, 2014, they submitted a proposed Final Judgment resolving the issues in the case. A copy of that document is attached and incorporated into this Order.

By the terms of the agreement reached by the parties, and it appearing just and proper to do so, the Final Judgment is **APPROVED** and it is hereby **ORDERED** that:

The Respondents will pay a total of \$10,000.00 in civil money penalties to the U.S. Department of Labor, consisting of \$9,500.00 for the violations assessed under the H-2A provisions of the INA and \$500.00 for violations assessed under MSPA. Installment payments will be made in accordance with the schedule in the Final Judgment agreement.

The Respondents will pay back wages in the amount of \$25,063.17 in accordance with the terms in the Final Judgment agreement.

Any default in the agreement shall be subject to the assessment of interest and penalty interest at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996 (P.L. 104-134).

The Respondents agree that neither they nor their agents, servants, employees and all persons in active concert or participation with them who receive actual notice of the agreement will submit any Applications for Temporary Employment Certification for H-2A workers for a three-year period, beginning with the date of entry of the Final Judgment.

The parties shall bear their own costs, and the Final Judgment shall have the same force and effect as an Order made after a full hearing.

KENNETH A. KRANTZ
Administrative Law Judge

KAK/mrc
Newport News, Virginia