

**U.S. Department of Labor**

Office of Administrative Law Judges  
36 E. 7th St., Suite 2525  
Cincinnati, Ohio 45202

(513) 684-3252  
(513) 684-6108 (FAX)



**Issue Date: 14 February 2017**

Case No. 2015-TAE-00010

In the Matter of:

FOGLER'S ORCHARD & FARM,  
Respondent.

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This case arises under the H-2A provisions of the Immigration and Nationality Act, as amended by the Immigration and Reform Control Act of 1986, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c), and 1186 ("the Act"), and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On May 19, 2015, the Solicitor of Labor for the U.S. Department of Labor filed an Order of Reference on behalf of the Wage and Hour Division, U.S. Department of Labor, referring this matter to the Office of Administrative Law Judges for a hearing.

On February 2, 2017, the parties filed a fully executed document entitled: "Settlement Agreement and Consent Findings" (hereinafter "Consent Findings"), which memorialize the terms of a settlement between the parties resolving the underlying issues in this case.

Section 501.40(d) 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 specific terms of the consent findings, I find that they are fair and reasonable. Accordingly, the Consent Findings are hereby **APPROVED** and I incorporate by reference the parties' Consent Findings. .

**ORDERED** this 14<sup>th</sup> day of February, 2017, at Cincinnati, Ohio.

Joseph E. Kane  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** Any party seeking review of this decision, including judicial review, shall file a Petition for Review (“Petition”) with the Administrative Review Board (“ARB”) within 30 days of the date of this decision. 29 C.F.R. § 501.42. The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov) .

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition, only one copy need be uploaded.

Copies of the Petition should be served on all parties and on the undersigned Administrative Law Judge. If the ARB does not receive the Petition within 30 days of the date of this decision, or if the ARB does not issue a notice accepting a timely filed Petition within 30 days of its receipt of the Petition, this decision shall be deemed the final agency action. 29 C.F.R. §501.42(a).