



Issue Date: 29 June 2017

OALJ Case No.: 2017-TAE-00013

In the Matter of:

**OLD DIZ NURSERY d/b/a
BONNIE PLANTS-OLD DIZ,**
Respondent

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, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c), and 1186; and regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On September 22, 2015, the Administrator, Wage and Hour Division, United States Department of Labor (“Prosecuting Party”), issued a determination letter to Respondent assessing unpaid wages to seven workers in the amount of \$1,764.00 and a civil money penalty (“CMP”) in the amount of \$6,300.00 for violations of 20 C.F.R. § 655.122(h)(2) (failure to pay outbound travel expenses). Respondent promptly paid the back wages but objected to the civil money penalty and timely requested a hearing. However, the parties subsequently conferred and reached a settlement obviating the need for a hearing.

On June 28, 2017, the Administrator contemporaneously filed an *Order of Reference and Consent Findings*, in which the parties agree that the Prosecuting Party will amend the aforementioned determination letter to allege that Respondent owes a CMP in the amount of \$5,040.00 and Respondent agrees to withdraw its request for hearing and submit a certified check in the amount of \$5,040.00 to the Administrator no later than thirty (30) days from the date of this Order. These actions would resolve all issues for litigation.

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 its terms, I am satisfied that the agreement conforms to the requirements set forth in § 501.40(b)(1)-(4) and is a satisfactory resolution of the issues previously contested.

The terms of the *Consent Findings* filed on June 28, 2017 are APPROVED and are adopted and incorporated in full into this Order. Upon payment of the CMP, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge