



Issue Date: 17 March 2017

OALJ Case No.: 2017-TAE-00006

In the Matter of:

WELLSWEEP RANCHES, LLC,
d/b/a WELLSWEEP RANCHES, and its successors
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 (IRCA), 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 March 2, 2015, the Administrator, Wage and Hour Division, United States Department of Labor, issued a determination letter to Respondent, assessing unpaid wages in the amount of \$67,812.67 and civil money penalties in the amount of \$7,762.50 for violations of 20 C.F.R. § 655.122(h)(1) (failure to comply with inbound transportation requirements); 20 C.F.R. § 655.122(h)(2) (failure to comply with outbound transportation requirements); § 655.122(j)(1) (failure to comply with earning records requirements); 20 C.F.R. § 655.122(k) (failure to comply with pay statement requirements); 20 C.F.R. § 655.122(1) (failure to pay required rates of pay); § 655.135(c) (failure to comply with recruitment requirements); § 655.135(j) (unlawful deductions/cost shifting); and § 655.135(l) (failure to provide notice of worker rights).

On March 10, 2017, the parties filed *Consent Findings*, in which the parties agree that the Prosecuting Party will withdraw and modify several violations of the IRCA. As a result, the amount of back wages assessed is reduced to \$1,537.65 and the amount of civil money penalties assessed is reduced to \$4,500.00, which Respondent agrees to pay, and did on December 27, 2016. Respondent also agrees to comply with the IRCA in the future.

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 March 10, 2017 are APPROVED and they are adopted and incorporated in full into this Order.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge