

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 26 November 2019

CASE NOS.: 2018-TAE-00036; 2018-MSP-00009

In the Matters of:

**WILLIAM NICHOLS dba
NICHOLS TREE FARM**
Respondent.

ORDER APPROVING CONSENT FINDINGS

These matters arise under the H-2A provisions of the Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(a), 1184(a), (c) and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, and 29 C.F.R. Part 501; and the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. § 1801, *et seq.*, and the implementing regulations at 29 C.F.R. Part 500.

On November 25, 2019, the parties filed a 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 these matters. According to the Consent Findings, the parties agree that the Respondent will pay a reduced civil monetary penalty totaling \$17,804.49 on or before December 2, 2019. The parties also agree that Respondent will pay back wages totaling \$33,696.51 on or before December 2, 2019, which shall be distributed to the workers by the Wage and Hour Division for the U.S. Department of Labor. Respondent also agrees to comply with the Act in the future. To ensure Respondent’s compliance with the Act, the parties agree that Respondent shall maintain a Compliance Monitor for a period of three (3) years from the date of execution of these Consent Findings.

Section 501.40(b) 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 terms of the settlement and Consent Findings, I find the terms are fair and reasonable, I am satisfied that the agreement conforms to the requirements set forth in § 501.40(b)(1)-(4), and I find it is a satisfactory resolution of the issues previously contested.

Accordingly, the terms of the Consent Findings and exhibit attached thereto filed on November 25, 2019 are APPROVED and they are adopted and incorporated in full into this Order. This case is hereby DISMISSED.

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts