



Issue Date: 08 May 2018

Case Nos.: 2018-TAE-00021
2018-TAE-00022

In the Matter of:

J&L FARMS, INC., d/b/a/ J L FARMS;
J&L HARVESTING, LLC D/B/A/ J and J HARVESTING,
J&L HARVESTING; and their successors,
Respondents.

ORDER APPROVING CONSENT FINDINGS

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act (“Act”), 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 May 16, 2017, the Administrator, Wage and Hour Division, United States Department of Labor (“Prosecuting Party”), issued two determination letters to Respondent assessing unpaid wages in the amount of \$7,799.94 and civil money penalties (“CMP”) in the amount of \$12,268.80 for violations of the Act between the periods November 23, 2015 to February 14, 2016 and December 1, 2015 to April 30, 2016. In addition, the Administrator determined that Respondents should be debarred from applying for H-2A certifications for a three year period.

Respondents paid the back wages but objected to debarment and the civil money penalties and timely requested a hearing. However, the parties subsequently conferred and reached a settlement obviating the need for a hearing.

On April 24, 2018, 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 letters to allege that Respondent owes a total CMP in the amount of \$9,426.60 and Respondent agrees to withdraw its request for hearing and submit a certified check in the amount of \$9,426.60 to the Administrator no later than June 1, 2018. Respondent J&L Farms, Inc. also agrees that it will be debarred from receiving certifications under 8 U.S.C. § 1188(a)(1) for a period of one year from the date of this Order and Respondent J&L Harvesting agrees that it will be debarred from receiving certifications under 8 U.S.C. § 1188(a)(1) for three years 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 April 24, 2018 are APPROVED, and adopted and incorporated in full into this Order. These cases are hereby DISMISSED.¹

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

¹ However, in the event Respondent defaults on the terms and conditions set forth in the *Consent Findings* and this Order, the Administrator’s conditional amendment referenced in Section III of the *Consent Findings* and Order becomes void and the entire adjusted civil money penalty shall become due and payable immediately without further notice or demand by the Administrator and any outstanding balance shall be subject to the assessment of interest and penalties at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996.