



Issue Date: 27 July 2018

Case No.: 2018-TAE-00026

In the Matter of:

R & R HARVESTING, INC.,
Employer.

ORDER APPROVING CONSENT FINDINGS

This matter arises 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 found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

By letter dated December 22, 2017, the Assistant District Director for the Grand Rapids, Michigan District Office of the Wage and Hour Division, U.S. Department of Labor, notified R & R Harvesting, Inc. (“Employer”) that an investigation revealed that the Employer failed to comply with certain legal requirements with respect to the Employer’s petitioning for and employing H-2A workers during the period August 1, 2017 through September 30, 2017.¹ As a consequence, \$1,480.00 in unpaid wages and \$5,968.80 in civil money penalties were assessed against Employer.

On January 23, 2018, Counsel for Employer submitted a letter to the Administrator of the Wage and Hour Division, objecting to the assessment of unpaid wages and civil money penalties, and requesting a formal hearing. On May 31, 2018, the Office of Administrative Law Judges (“OALJ”) received the *Order of Reference* on this matter from counsel for the Administrator and the case was docketed; it is not yet scheduled for hearing.

On July 25, 2018, the Administrator filed *Settlement Agreement and Consent Findings*, in which the Employer agrees to withdraw its request for hearing, pay the civil money penalty and submit a certified check payable to “Wage and Hour Division, U.S. Department of Labor” in the

¹ The Assistant District Director noted the following violations of the regulatory requirements found at 20 C.F.R. Part 655, Subpart B: 20 C.F.R. § 655.122(q), failure to comply with requirement that a copy of the work contract be provided (employer allegedly failed to provide a copy of the contract at the point of recruitment of the H-2A workers); and 20 C.F.R. § 655.122(d)(1), failure to provide or secure housing for workers reasonably unable to return to their permanent residence at the end of the day(workers allegedly subjected to laundry deductions as the housing facilities did not provide laundry facilities as required under the applicable regulations).

amount of \$5,968.80 to Office of the Solicitor, U.S. Department of Labor, 230 S. Dearborn Street, Suite 844, Chicago, IL 60604. These actions would resolve all issues for litigation.²

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 July 25, 2018 are APPROVED and are adopted and incorporated in full into this Order. Upon payment of the civil money penalty, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

² The Employer previously remitted the \$1,480,00 in back wages to the Administrator for disbursement to the affected H-2A workers.