



Issue Date: 14 November 2018

CASE NO.: 2018-TAE-00011

In the Matter of

WAFLA,
Respondent

ORDER APPROVING CONSENT FINDINGS

The court now approves the Consent Findings set forth in the written stipulation of the Administrator of the Wage and Hour Division of the United States Department of Labor ("Administrator") and WAFLA ("WAFLA"), filed with the court on November 9, 2018.

1. These proceedings arise under the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq. as amended by the Immigration Reform and Control Act of 1986 ("INA" or the "Act"), Pub L. 99-603, § 301, 100 Stat. 3359, 341 and the implementing regulation contained at 29 C.F.R. Part 501 (the "H-2A Regulations").
2. Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges, United States Department of Labor, pursuant to 29 C.F.R. §§ 501.16(b) and 501.19 with respect to WAFLA's request for a hearing.
3. On April 24, 2017, the Administrator issued a Determination Letter to WAFLA for alleged violations of H-2A regulations.
4. On May 24, 2017, WAFLA timely requested a hearing on the findings set forth in the Determination Letter.
5. On February 7, 2018, the Administrator filed an Order of Reference, amending the Determination Letter and referring the matter to the Office of Administrative Law Judges, United States Department of Labor.
6. In full settlement of the matters alleged in the Determination Letter as amended by Order of Reference, the Parties agree that, within 30 days of the signing of these Consent Findings, WAFLA shall deliver to the undersigned Administrator's counsel a cashier's or certified check for \$4,500, made paya-

ble to the **Wage and Hour Division, USDOL**. The memorandum line of such check will read "1766578."

7. The Administrator, in his sole discretion, shall allocate and distribute the amounts referred to in Paragraph 7 as he sees fit. Any money not paid to individual(s) or their estate(s) within a period of three years from the date of receipt of the last such money due hereunder, because of an inability to locate the proper persons or because of their refusal to accept it, shall be deposited by the Administrator in the Treasury of the United States pursuant to 28 U.S.C. §§ 2041 and 2042.
8. Any order based on these Consent Findings shall have the same effect as an order made after a full hearing.
9. Any order based on these Consent Findings is based on a record that consists of the Determination Letter as amended by the Order of Reference, WAFLA's request for a hearing, and these Consent Findings.
10. The parties to these Consent Findings waive any further procedural steps before the Office of Administrative Law Judges and the Administrative Review Board.
11. The parties waive the right to challenge or contest the validity of any order entered into in accordance with these Consent Findings.
12. All issues raised in the Determination Letter that were challenged by the Respondent in its Request for Hearing shall be deemed fully resolved by these Consent Findings. These Consent Findings shall become final and effective immediately upon the approval of the Administrative Law Judge.
13. These Consent Findings are not binding on any government agency other than the United States Department of Labor.
14. Each party agrees to bear its own costs, attorneys' fees, and other expenses incurred in connection with any stage of this proceeding, including but not limited to any costs referenced by the Equal Access to Justice Act.

15. This Court shall retain jurisdiction of this action for purposes of enforcing compliance with the terms of the Consent Findings.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge