



**Issue Date: 14 January 2020**

Case No.: 2020-TAE-00003

*In the Matter of:*

**CARPENTER PRODUCE,**  
*Employer.*

**ORDER APPROVING CONSENT FINDINGS**

This matter arises under the H-2A provisions of the Immigration and Nationality Act (“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 January 15, 2019, the Assistant District Director for the Little Rock District Office of the Wage and Hour Division, U.S. Department of Labor, notified Carpenter Produce (“Employer”) that an investigation regarding the employment of H-2A workers revealed Employer failed to comply with certain legal requirements of the Act covering the period September 16, 2014 through September 15, 2016 and assessed \$4,500.00 in civil money penalties.

On February 20, 2019, Employer submitted a letter objecting to the assessment of civil money penalties, and requested a formal hearing. 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 for hearing, currently scheduled for April 7, 2020 in Little Rock, Arkansas.

On January 13, 2020, the Administrator filed *Consent Findings*, in which the Employer agrees to withdraw its request for hearing and pay the \$4,500.00 civil money penalty within 30 days of the date of the last signature on the Consent Findings to the Wage and Hour Division, U.S. Department of Labor, ATTN: Payments Section, 525 S. Griffin Street, Room 800, Dallas, Texas 75202. This action would resolve all issues for litigation.<sup>1</sup>

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.”

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<sup>1</sup> The Administrator agrees that payment of the \$4,500.00 civil money penalty “shall be in full satisfaction of all civil money penalties against Respondent Carpenter Produce arising out of Carpenter Produce’s employment of H-2A non-immigrants under four certifications from April 21, 2014 to December 20, 2014, April 27, 2015 to December 1, 2015, March 26, 2016 to October 30, 2016 and June 13, 2016 to September 30, 2016.

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 January 13, 2020 are APPROVED and are adopted and incorporated in full into this Order. Upon payment of the civil money penalty, this matter is DISMISSED. The April 7, 2020 hearing in Little Rock, Arkansas is CANCELLED.

**SO ORDERED:**

STEPHEN R. HENLEY  
Chief Administrative Law Judge