



Issue Date: 25 March 2021

Case No.: 2020-TAE-00017

In the Matter of:

DARYL COFFEY, d/b/a
SANDYVIEW FARMS,
Respondent.

**DECISION AND ORDER APPROVING
SETTLEMENT AGREEMENT AND 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.

On March 12, 2021, counsel for the Deputy Administrator filed a *Settlement Agreement and Consent Findings* (“*Consent Findings*”), indicating the parties had reached a resolution on all issues in this matter, thereby obviating the need for a formal hearing. The *Consent Findings* were signed by Respondent Daryl Coffey in his capacity as the president of Sandyview Farms, and counsel for the Deputy Administrator. The H-2A regulations provide that when an administrative law judge issues an order in response to the filing of a settlement agreement, “the entire record on which any order may be based shall consist solely of the notice of administrative determination (or amended notice, if one is filed), and the agreement.” 29 C.F.R. § 501.40(b)(2). In accordance with that provision, I make the following findings:

1. By letter dated February 4, 2020, the Assistant District Director of the Grand Rapids District Office, Wage and Hour Division, U.S. Department of Labor, issued a Determination Letter notifying Daryl Coffey, president of Sandyview Farms (“Respondent”), that an investigation regarding the employment of H-2A workers revealed Respondent failed to comply with certain requirements of the Act and the implementing regulations covering the period from April 20, 2017 through November 20, 2018, and assessed \$8,922.15 in back wages and \$22,428.20 in civil money penalties (“CMPs”).
2. Respondent timely contested the Determination Letter and requested a hearing.

3. On March 10, 2020, the Assistant District Director issued an Amended Determination Letter, which amended the back wage assessment to \$5,277.90.
4. On March 12, 2021, the parties filed the *Consent Findings*.
5. Respondent agrees to comply with the provisions of the Act and the applicable regulations in the future with respect to Respondent's petitioning for and employment of H-2A workers.
6. Upon reconsideration, the Administrator amended the CMPs resulting from the H-2A violations to \$16,500.
7. Respondent has paid all back wages and CMPs owed.
8. Respondent withdraws its exceptions to the assessed back wages and civil money penalties, as amended.
9. The violations set forth in the Amended Determination are affirmed by the court.
10. The parties waive any further procedural steps before the Office of Administrative Law Judges and the Administrative Review Board and further waive any right to challenge or contest the validity of the *Consent Findings* and this *Order Approving Settlement Agreement and Consent Findings* with respect to Respondent's liability arising out of these proceedings.
11. The parties' *Consent Findings* resolve all issues raised in case no. 2020-TAE-00017.
12. Each party agrees to bear its own costs, attorney's fees, and other expenses incurred by such party in connection with any stage of this proceeding to date with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as amended.

After reviewing its terms, I am satisfied that the *Consent Findings* conform to the requirements set forth in section 501.40(b)(1) through (4) and satisfactorily resolve the issues previously contested.

Accordingly, **IT IS ORDERED** that the *Consent Findings* (ALJ Exhibit No. 1) are **APPROVED** in full, and incorporated herein by reference. This *Decision and Order Approving Settlement Agreement and Consent Findings* "shall have the same force and effect as an order made after full hearing." 29 C.F.R. § 501.40(b)(1).

SO ORDERED.

Jason A. Golden
Administrative Law Judge