



Issue Date: 25 September 2020

Case No. 2020-TAE-11

*In the Matter of:*

**ADMINISTRATOR,  
WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR,**

*Prosecuting Party,*

v.

**BRENCKLE FARMS, INC.,**

*Respondent.*

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT  
AND DISMISSING CASE WITH PREJUDICE**

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1101 *et seq.* and 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c). Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by 20 C.F.R. Part 655, Subparts A and B, with respect to Respondent’s request for a hearing involving alleged violations of INA section 214(c), 8 U.S.C. 1184(c), and the applicable H-2A regulations.

On February 22, 2017, the Administrator issued a Determination to Respondent detailing the Administrator’s findings regarding INA violations. On March 10, 2017, Respondent timely filed a Request for Hearing contesting the findings contained in the Determination.

On September 25, 2020, the parties presented Consent Findings and a Settlement Agreement to me for approval. All parties are represented by counsel. The Consent Findings and Settlement Agreement contains the following agreement reached by the parties:

The parties agree and stipulate, pursuant to 29 C.F.R. § 18.71, to the approval of this *Consent Findings and Settlement Agreement* (“*Settlement Agreement*”) and the entry of a *Decision and Order* (“*Order*”) based thereon without contest. The parties agree to resolve this matter in accordance with the terms and conditions of this *Settlement Agreement*. Any *Order* entered herein shall have

the same force and effect as an *Order* made after a full hearing. The entire record on which the *Order* entered herein is based shall consist solely of the *Determination* issued by the Administrator and this *Settlement Agreement*. Absent breach of the terms of this *Settlement Agreement*, the parties hereby waive any further procedural steps before the Administrative Law Judge and the Administrative Review Board, and further waive any right to challenge or contest the validity of the *Settlement Agreement* and *Order* entered into in accordance with their *Settlement Agreement*. This *Settlement Agreement* shall become final and effective immediately upon approval by the Administrative Law Judge. Any *Order* entered shall be in accordance with the following agreed findings, terms and conditions.

I am satisfied with the form and substance of the Settlement Agreement. Pursuant to 29 C.F.R. § 501.40, I hereby **ACCEPT** the Settlement Agreement based upon these agreed findings. It is hereby **ORDERED**:

- (1) This Order shall have the same force and effect as an order made after full hearing;
- (2) The entire record on which this Order is based shall consist solely of the notice of administrative determination (or amended notice, if one is filed), and the agreement;
- (3) This Order contains a waiver of any further procedural steps before the ALJ; and
- (4) This Order contains a waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.
- (5) This case is hereby **DISMISSED WITH PREJUDICE**.

Steven D. Bell  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** Any party seeking review of this decision, including judicial review, shall file a Petition for Review (§Petition§) with the Administrative Review Board (§ARB§) within 30 days of the date of this decision. 29 C.F.R. § 501.42. The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of

using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov)

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition, only one copy need be uploaded.

Copies of the Petition should be served on all parties and on the undersigned Administrative Law Judge. If the ARB does not receive the Petition within 30 days of the date of this decision, or if the ARB does not issue a notice accepting a timely filed Petition within 30 days of its receipt of the Petition, this decision shall be deemed the final agency action. 29 C.F.R. §501.42(a).