



**Issue Date: 17 March 2021**

Case No.: 2020-TAE-00015

In the Matter of

**DOUBLE H AGRI, LLC**  
Respondent

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter arises pursuant to the Immigration and Nationality Act (“INA”) Temporary Alien Employment H-2A visa program, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a) and 1188(c), as implemented by regulations at 20 C.F.R. Part 655, subpart B, and 29 C.F.R. Part 501. Double H Agri, LLC. (“Respondent”) requested a hearing regarding the Notice of Determination of Assessing Civil Money Penalties issued by the Administrator of the Wage and Hour Division of the United States Department of Labor (“Administrator”) on January 21, 2020.

On March 5, 2021, counsel for the Administrator submitted Consent Findings executed by the parties, which provide as follows:

1. From February 15, 2017 to December 15, 2019, Respondent employed H-2A non-immigrants and were covered by the H-2A provisions of the Immigration and Naturalization Act ("INA" or "the Act"), 8 U.S.C. § 1101 *et seq.* and the implementing regulations at 20 C.F.R. § 655.100 *et seq.*
2. On January 21, 2020, Wage and Hour issued a Determination Letter to Respondent detailing its findings. A "Summary of Violations" was attached to the Determination Letter. The Summary stated that the investigation by Wage and Hour determined that a violation of the H-2A provisions of the INA occurred as a result of Respondent's:
  - Failure to comply with recruitment requirements in violation of 20 C.F.R. § 655.121(a)(3);
  - Failure to post an H-2A poster in a conspicuous location in violation of 20 C.F.R. § 655.135(1);
  - Failure to comply with transportation to place of employment/daily subsistence requirements in violation of 20 C.F.R. § 655.122(h)(1);
  - Seeking or receiving payment from the employees for an activity related to obtaining labor certification in violation of 20 C.F.R. § 655.135(G);
  - Failure to keep accurate and adequate records with respect to the workers' earnings in violation of 20 C.F.R. § 655.122(G)(1);

- Failure to comply with the pay statement requirements in violation of 20 C.F.R. § 655.122(k); and
- Failure to provide housing that meets the full set of DOL OSHA standards at 29 C.F.R. § 1910.142 in violation of 20 C.F.R. § 655.122(d)(1)(i);

Accordingly, \$11,302.40 in civil money penalties were assessed against Respondent pursuant to 29 C.F.R. § 502.19(6). Back wages were not included in the Determination Letter, because Respondent had paid all back wages that were owing prior to the issuance of the Determination Letter.

3. On February 18, 2020, Respondent filed a timely Request for Hearing on the findings contained in the Determination Letter.
4. Counsel for the Administrator and Respondent conducted settlement discussions regarding this matter. The parties agree to a settlement without the burden, expense, and delay of further litigation.
5. The Administrator, in consideration of the facts of this case and other pertinent litigation factors, agreed to accept civil money penalties of \$5,280.34 in resolution of the CMPs assessed for all violations cited in the January 21, 2020 Determination Letter ("Determination Letter").
6. Respondent, without admitting any of the aforesaid violations contained in the Determination Letter, and as a good faith resolution of its dispute with the Administrator concerning the alleged violations set forth in the Determination Letter, agreed to civil money penalties of \$5,280.34 in resolution of the CMPs assessed for all violations cited in the January 21, 2020 Determination Letter.
7. In resolution of all the violations cited in the Determination Letter, Respondent agrees to pay civil money penalties of \$5,280.34 within thirty days of the last signature to these Consent Findings. Defendant has the option to pay online by ACH transfer, credit card, debit card, or digital wallet by going to <https://www.pav.gov/public/form/start/77803930>. Unless paying online, payment must be made by certified check, cashier's check or money order labeled with the Case Identification Number (WH Case No. 1871431) and made payable to "Wage and Hour Division - U.S. Department of Labor." The payment must be mailed or delivered to this address:

**Wage and Hour Division, U.S. Department of Labor**  
**Attn: Payment Section**  
**Southwest Regional Office Federal Building**  
**525 S. Griffin St, Suite 800**  
**Dallas, Texas 75202**

2. The Administrator and Respondent hereby consent that the above Consent Findings and the Order disposing of this proceeding shall have the following effect:
  - A. That the Consent Findings and Order entered into in accordance with this agreement shall have the same force and effect as an Order made after full hearing;
  - B. That the entire record on which any Order may be based shall consist solely of the Administrator's Determination Letter, as amended, and the Consent Findings;
  - C. That the Administrator and Respondent waive any right to challenge or contest the validity of the Consent Findings, the Determination Letter, as amended, and the Order entered into in accordance with this agreement;
  - D. That Respondent hereby withdraws its contest as to the violations alleged in the Determination Letter. All violations set forth in the Determination Letter issued by Wage and Hour to Respondent are and shall be deemed fully resolved by these Consent Findings.
  - E. This Decree shall become final immediately upon approval of the Administrative Law Judge.

I have reviewed the foregoing Consent Findings, and I find they are fair and adequate. Accordingly, upon request of the parties, and pursuant to 29 C.F.R. § 501.40, I **APPROVE** and **ADOPT** the Consent Findings, and I **ORDER** the parties to comply with the Consent Findings, as set forth above.

**SO ORDERED.**

**THERESA C. TIMLIN**  
Administrative Law Judges

Cherry Hill, New Jersey