



Issue Date: 09 December 2020

Case No.: 2020-TAE-00010

In the Matter of:

FRANCISCO VALADEZ JR., LLC,
Respondent.

DECISION AND ORDER
APPROVING CONSENT FINDINGS

This case arises under the H-2A visa program, Temporary Agricultural Employment (TAE) of the Immigration and Nationality Act of 1952 (INA), 8 U.S.C. § 1101, et seq, as amended, and its implementing regulations found at 20 C.F.R. Part 655, Subpart B.

On December 7, 2020, the Parties filed Consent Findings and requested that the court issue an Order approving the full and final resolution of this action raised by the Administrator's Determination Letter issued to Respondent on December 14, 2018. The Consent Findings were signed by both Parties. The Parties agreed that the Order has the same effect as one made after a full hearing. The Parties agreed that the Order is based on a record that consists of the Determination Letter and attachments dated December 14, 2018. The Parties agreed to waive all further procedural steps between themselves before the Office of Administrative Law Judges. The Parties agreed to waive any right to contest the validity of the findings or any Order entered.

The Parties agreed that Respondent owes civil money penalties in the total amount of \$17,892.90. The Parties agreed that Respondent will be debarred from participating in the H-2A program for two years beginning on the date of approval of the consent Findings and Order by the Administrative Law Judge. The Parties' submission is deemed to be a settlement with Consent Findings pursuant to 29 C.F.R. 501.40.

Upon review of the record, the Consent Findings are approved. The agreement constitutes full and final resolution of this matter.

ORDER

IT IS ORDERED that:

1. The Consent Findings are approved;

2. This Order shall have the same force and effect as an Order made after a full hearing;
3. Any further procedural steps before this Office are hereby waived;
4. All rights to challenge or contest the validity of this Order are hereby waived;
5. Each party shall bear its own costs, expenses, and legal and accounting fees incurred in connection with the instant proceeding; and
6. This matter is DISMISSED with prejudice.

The court requests that this Order be served on the following parties by email: (1) Cameron Ellis, Esq., counsel for Wage and Hour Division, Atlanta, GA, (2) Andrew Jackson, Esq., counsel for the Respondent, and (3) Administrator, Washington D.C.

DO NOT E-MAIL OR RESPOND TO THE SENDER'S E-MAIL ADDRESS.

E-MAILS SENT TO THE NEWPORT NEWS OFFICE OF ADMINISTRATIVE LAW JUDGES' E-MAIL ADDRESS (OALJ-NewportNews@DOL.GOV) WILL ONLY BE ACCEPTED DURING THE COVID-19 PANDEMIC.

SO ORDERED.

Dana Rosen
Administrative Law Judge