

**U.S. Department of Labor**

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**Issue Date: 06 May 2021**

CASE NO.: 2021-TAE-00001

*In the Matter of:*

ADMINISTRATOR, WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR  
Prosecuting Party

v.

JOSE M. GRACIA HARVESTING, INC., DBA JOSE GRACIA HARVESTING  
Respondent

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

The above captioned matter arises under the H-2A provisions of the Immigration and Nationality Act, (“INA”), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c), and 1188 and the applicable regulations issued thereunder at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. This matter was assigned to the undersigned Administrative Law Judge on January 26, 2021 and a hearing was scheduled for March 2, 2021, which was rescheduled for June 11, 2021.

On April 30, 2021, the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Jose M. Gracia Harvesting, Inc. dba Jose Gracia Harvesting (“Respondent”) filed Consent Findings resolving all issues in dispute in this case, relating to Respondent’s contest of the Administrator’s Determination Letter of June 11, 2018 (“Determination Letter”) regarding Respondent’s compliance with the H-2A provisions of the INA. Jose Gracia, on behalf of the Respondent, and the Attorney for the Prosecuting Party signed the Consent Findings.

As stated in the Consent Findings, the parties have agreed that the Consent Findings and Order disposing of this proceeding will have the same force and effect as an Order made after a full hearing. The parties also agree that the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. § 18.71(b)(2) and 29 C.F.R. § 501.40(b)(2), consist solely of the June 11, 2018 Determination Letter and the Consent Findings. The parties waive all further procedural steps before the Administrative Law Judge, and any right to contest the validity of the Consent Findings or any Order entered in accordance herewith, as provided in 29 C.F.R. § 18.71(b)(3) and (4) and 29 C.F.R. § 501.40(b)(3) and (4). The Respondent has withdrawn its request for a hearing in this matter.

The Consent Findings are marked for Identification as ALJ Exhibit No. 1, and are attached hereto, and made a part hereof. The undersigned has examined the Consent Finding and concludes that all issues in contest between the Administrator and Respondent related to the June 11, 2018 Determination Letter have been resolved. The Consent Findings comply with the requirements of 29 C.F.R §501.40(b). Accordingly,

**IT IS ORDERED** that the Consent Findings (ALJ Exhibit No. 1) are **APPROVED** in full, and incorporated herein by reference. The Consent Findings shall constitute my findings of fact and conclusions of law, and shall constitute full, final, and complete adjudication of this proceeding, and shall have the same force and effect as an order made after full hearing. The hearing scheduled for **June 11, 2021** in this matter is hereby **CANCELLED**.

**SO ORDERED.**

**DREW A. SWANK**  
Administrative Law Judge