



Issue Date: 08 February 2021

Case No.: 2021-TAE-00006

In the Matter of:

WITTEN'S PRODUCE PATCH, INC,
Respondent.

**NOTICE OF DOCKETING
AND ORDER APPROVING CONSENT FINDINGS**

This proceeding arises under the provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act, ("INA"), 8 U.S.C. §§ 1101(a)(15)(H), 1184(c), 1188, and the implementing regulations at 20 C.F.R. Part 655, and 29 C.F.R. Part 501.

On November 6, 2018, the Administrator, Wage and Hour Division, United States Department of Labor ("Plaintiff"), issued a determination letter to Respondent Witten's Produce Patch, Inc. for alleged violations of the INA's H-2A non-immigrant worker program, assessing a civil money penalty ("CMP") in the amount of \$2,908.89. Respondent submitted a letter to the Plaintiff dated November 19, 2018, objecting to the determination letter and requesting a formal hearing.

On February 8, 2021, the Plaintiff contemporaneously filed with the Office of Administrative Law Judges an *Order of Reference* and *Consent Findings and Order*, in which Respondent agrees to withdraw the pending hearing request and pay a reduced penalty of \$2,250.00 within 30 days of the date of this Order. These actions would resolve all issues for litigation.

29 C.F.R. § 501.40(d) provides that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she is "satisfied with its form and substance." After reviewing its terms, I am satisfied that the agreement conforms to the requirements set forth in § 501.40(b)(1)-(4) and is a satisfactory resolution of the issues previously contested.

The terms of the *Consent Findings and Order* filed on February 8, 2021 are APPROVED, and adopted and incorporated in full into this Order. This case is hereby DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge