

U.S. Department of Labor

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Issue Date: 16 May 2024

OALJ CASE NO.: 2023-TAE-00015
WHD NO.: 1925570

In the Matter of:

**PRINCIPAL DEPUTY ADMINISTRATOR,
WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,**
Plaintiff

v.

WICKSTRUM HARVESTING, LLC,
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 October 6, 2023, and a hearing was scheduled for October 24, 2023, which was rescheduled for November 14, 2023. The hearing was rescheduled again for a date to be determined pending the outcome of mediation.

On May 15, 2024, the Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Wickstrum Harvesting, LLC (“Respondent”) filed Consent Findings resolving all issues in dispute in this case, relating to Respondent’s contest of the Administrator’s Determination Letter of February 8, 2023 (“Determination Letter”) regarding Respondent’s compliance with the H-2A provisions of the INA. Sharon Wickstrum, 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 February 8, 2023 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 The Respondent has withdrawn its request for a hearing in this matter.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 February 8, 2023 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 originally scheduled for November 14, 2023 will not be rescheduled.

SO ORDERED.

DREW A. SWANK
Administrative Law Judge