



In the Matter of

ADMINISTRATOR, WAGE AND HOUR
DIVISION,

PROSECUTING PARTY,

v.

ME GLOBAL, INC.,

RESPONDENT.

ARB CASE NO. 2016-0087

ALJ CASE NO. 2013-LCA-00039

DATE: MAR 22 2019

Appearances:

For the Respondent:

Richard W. Pins, Esq.; *Stinson Leonard Street LLP*; Minneapolis,
Minnesota

For the Administrator, Wage and Hour Division:

M. Patricia Smith, Esq.; Jennifer S. Brand, Esq.; William C. Lesser,
Esq.; Paul L. Frieden, Esq.; Sara A. Conrath, Esq.; *U.S. Department of
Labor, Office of the Solicitor*; Washington, District of Columbia

BEFORE: William T. Barto, *Chief Administrative Appeals Judge*; James A.
Haynes and Daniel T. Gresh, *Administrative Appeals Judges*

FINAL DECISION AND ORDER

This case arises under the H-1B visa program provisions of the Immigration and Nationality Act, as amended (INA), 8 U.S.C. § 1101(a)(15)(H)(i)(b) (2014) and 8 U.S.C. § 1182(n) (2013), and implementing regulations at 20 C.F.R. Part 655, subparts H, I (2016). The Respondent ME Global, Inc. (ME Global) urges the Administrative Review Board (Board) to reverse the Decision and Order Granting Administrator's Motion For Summary Decision and Denying Respondent's Motion For Summary Decision (July 29, 2016) of the Administrative Law Judge (ALJ). The ALJ granted summary decision under 29 C.F.R. § 18.72(a) (2015) in favor of the

Administrator, Wage and Hour Division. ME Global appealed to the Board. The Administrator responds in support of the ALJ's decision.

JURISDICTION AND STANDARD OF REVIEW

The Board has jurisdiction to review the ALJ's Decision and Order. 8 U.S.C. § 1182(n)(2); 20 C.F.R. § 655.845; *see* Secretary's Order No. 02-2012, 77 Fed. Reg. 69,378 (Nov. 16, 2012). The Board reviews an ALJ's grant of summary decision *de novo*, applying the same standard applicable to the ALJ for granting summary decision under 29 C.F.R. § 18.72. *See* Fed. R. Civ. P. Rule 56. To be entitled to summary decision, the Administrator must show "there is no genuine dispute as to any material fact *and* [the Administrator] is entitled to decision as a matter of law." 29 C.F.R. § 18.72(a)(emphasis added).

DISCUSSION

Upon review of the ALJ's grant of summary decision, we conclude that it is a reasoned ruling based on the undisputed facts and the applicable law. The ALJ properly concluded that the complaint was timely filed and that the Administrator was not barred from acting upon it. The ALJ also properly determined that in light of ME Global's admission, it could not establish a bona fide termination of its employment relationship with Petar Peric, and its wage obligation continued until Peric's departure. The ALJ properly concluded that the Administrator has established that there is no issue as to any material fact and is entitled to summary decision as a matter of law.

Accordingly, we adopt and attach the ALJ's Decision and Order Granting Administrator's Motion for Summary Decision and Denying Respondent's Motion for Summary Decision.

SO ORDERED.