



**DATE: JUNE 30, 1997**

**In the Matter of**

**TOM MANEOTIS,  
Respondent**

**CASE NO.: 95-TAE-0004**

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter comes on consideration of a January 10, 1995 administrative determination of the Secretary of Labor (acting through the Regional Administrator of the Wage and Hour Division), as amended by an Order of Reference of August 14, 1995, under the Immigration and Naturalization Act ("the Act"), 8 U.S.C. § 1101 *et seq.*, This case relates to the payment of back wages to nonimmigrant worker (shepherd) **AURELIO FLORES** and was brought under the enforcement provisions of the Act relating to H-2A workers, 8 U.S.C. § 1188, and the implementing regulations at 29 C.F.R. Part 501. *See also* 20 C.F.R. Part 655, Subpart B.

A formal hearing was scheduled for Thursday, May 22, 1997 in Denver, Colorado. By facsimile correspondence of May 20, 1997, counsel for the Plaintiff Department of Labor advised that the parties had reached a settlement of all the issues in the case and asked that the scheduled hearing be cancelled. By Order of May 20, 1997, the undersigned administrative law judge cancelled the hearing.

Under postmark of June 20, 1997, the parties submitted for approval Consent Findings signed by both parties, the original which is annexed hereto. The Consent Findings are concurrently adopted, incorporated herein, and made a part hereof. I have reviewed the Consent Findings and find that the Consent Findings comport with all requirements of the pertinent regulations. Accordingly, in accordance with the Consent Findings, I make the following Findings and issue the following Order, in accordance with section 501.40 of title 29, Code of Federal Regulations.

**FINDINGS**

1. The Consent Findings comport with the requirements of 29 C.F.R. § 501.40 and 29 C.F.R. § 18.9.
2. This Decision and Order incorporating the Consent Findings shall have the same force and effect as an Order made after a full hearing.

3. The entire record on which this Decision and Order is based shall consist solely of the Order of Reference, as amended by the Consent Findings, and the Consent Findings.

4. The parties have waived any further procedural steps before the undersigned administrative law judge as well as any rights to challenge or contest the validity of the Consent Findings and this Decision and Order entered into in accordance with the agreements contained in the Consent Findings.

### **ORDER**

**IT IS HEREBY ORDERED** that the Consent Findings are **APPROVED**; and

**IT IS FURTHER ORDERED** that imposition of a civil money penalty, as modified by the Secretary, in the amount of \$140.00, together with payment of back wages in the amount of \$9,722.00 hereby is **AFFIRMED**, payment of which shall be in accordance with the terms and conditions set forth in said Consent Findings;

**IT IS FURTHER ORDERED** that each party shall bear his or its own fees, costs and other expenses, except as provided in the Consent Findings in case of the Respondent's failure to make payment in a timely manner; and

**IT IS FURTHER ORDERED** that the proceedings in this case are hereby **DISMISSED** with prejudice.

SO ORDERED.

PAMELA LAKES WOOD  
Administrative Law Judge

Washington, D.C.