

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 03 October 2005**

**Case No.: 2005-LCA-00031**

*In the Matter of:*

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

v.

**IT NORTHWEST, dba MARC COMPANY,**  
a corporation, and **CHARLIE WILLIAMS,** an individual,  
*Respondents*

**DECISION AND ORDER**  
**APPROVING SETTLEMENT AGREEMENT AND CONSENT FINDINGS**

The Administrator, Wage and Hour Division, United States Department of Labor, issued a Determination Letter alleging violations of the H-1B provisions of the Immigration and Nationality Act of 1952 as amended by the Immigration Act of 1990, and the Miscellaneous Technical Immigration and Naturalization Amendments of 1991 and the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) (Title IV of Pub. L. 105-277, October 21, 1998; 112 Stat. 2681) found at 8 U.S.C. 1101 *et seq.*; 8 U.S.C. 1101(a)(15)(H)(i)(b) and 8 U.S.C. §1182(n) *et seq.* ("INA"). The Prosecuting Party determined that the Respondent failed to pay wages required in violation of 20 CFR 655.731 and 20 CFR 665.805(a)(2), and further failed to provide notice of filing of the Labor Condition Application in violation of 20 CFR 665.734. Respondent filed a timely request for hearing on May 6, 2005. Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by INA §212(n), 8 U.S.C. §1182(n), and 20 CFR Part 655.800 *et seq.* with respect to Respondent's request for a hearing concerning the alleged violations of the provisions of §1182(n) of the INA.

The parties filed a "Parties' Joint Motion for Approval of Settlement and Entry of Consent Findings and Order" that was signed by counsel for the Administrator, Prosecuting Party and by Charlie Williams, individually and as Respondent IT Northwest's representative. The parties' agreement resolves the claims raised by the Administrator's Determination Letter of April 21, 2005. Pursuant to the parties' agreement, the violations are affirmed as amended by the Settlement Agreement and Consent Findings and Respondent will pay to the Administrator the sum of \$17,626.00, in the manner set forth in the Agreement and Attachment B thereto, which represents the full back wage amount computed due, as amended and agreed upon by the parties.

The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges found at 29 C.F.R. Part 18 is applicable to this proceeding.

### **ORDER**

Upon review of the record and the terms of the Parties' Joint Motion for Approval of Settlement and Entry of Consent Findings and Order, it is determined that the terms of the settlement are fair and reasonable. The Settlement Agreement and Consent Findings are hereby **APPROVED**.

**IT IS ORDERED** that:

1. This Decision and Order shall have the same force and effect as an order made after full hearing.
2. The entire record upon which this Decision and Order is based shall consist solely of the Administrator's Determination Letter and the Parties' Joint Motion for Approval of Settlement and Entry of Consent Findings and Order executed by the parties.
3. Any further procedural steps before this Office and the Administrative Review Board are waived.
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with this Agreement are hereby waived.
5. The Determination Letter, Parties' Joint Motion for Approval of Settlement and Entry of Consent Findings and Order, together with this Decision and Order, shall constitute the final administrative findings and order in this case.

**A**

Russell D. Pulver  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** Pursuant to 20 CFR § 655.845, any party dissatisfied with this Decision and Order may appeal it to the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, by filing a petition to review the Decision and Order. The petition for review must be received by the Administrative Review Board within 30 calendar days of the date of the Decision and Order. Copies of the petition shall be served on all parties and on the administrative law judge.