

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Pittsburgh, PA 15220

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**Issue Date: 22 July 2004**

Case No. 2003-LCA-26

In the Matter of:

ASHWANI GOEL,  
Complainant,

vs.

INDOTRONIX INTERNATIONAL CORP.,  
Respondent,

and

ADMINISTRATOR, WAGE AND HOUR DIVISION,  
Intervenor.

**INITIAL DECISION AND ORDER**  
**APPROVING SETTLEMENT AGREEMENT**

This proceeding arises out of the enforcement provisions of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b) and 1182(n) (“H-1B provisions”) and its implementing regulations at 20 C.F.R. Part 655, Subparts H and I.

Ashwani Goel, the Complainant, filed a complaint under 20 C.F.R. § 655.801 with the Wage and Hour Division of the Employment Standards Administration of the Department of Labor, alleging that he had been retaliated against for whistleblowing activities related to the H-1B provisions. After an investigation into the complaint, the Administrator of the Wage and Hour division notified Complainant of having found no merit to the complaint. On August 5, 2003, the Complainant submitted a request for a hearing to the Chief Administrative Law Judge of the Office of Administrative Law Judges (OALJ).

The hearing request was referred to the Pittsburgh OALJ office for trial. Complainant filed an amended complaint on October 6, 2003. On March 22, 2004, after the trial had begun, the parties requested, and I granted, an adjournment to allow the parties to discuss a settlement agreement.

The parties have now reached a settlement of this matter and, by letter from Respondent dated July 7, 2004, have submitted a joint motion asking that this matter be dismissed. Pursuant

to 29 C.F.R. § 18.9(c)(2), the parties have chosen to “notify” me that they have reached a full settlement and have agreed to dismiss this matter. As the Respondent included with its motion a copy of the Settlement Agreement, I have reviewed it and find that its terms are fair and reasonable.

In addition, during the interim between March 22, 2004 and July 7, 2004, I have reviewed submissions from counsel for the parties to address certain concerns that I expressed during trial and during the recess therefrom. Based on assurances I have received from counsel, the parties’ joint request for dismissal of this action is GRANTED.

It is ORDERED that this matter be DISMISSED pursuant to the terms of the settlement agreement submitted by the parties.

**A**  
MICHAEL P. LESNIAK  
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.