

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 02 November 2004

Case Nos.: 2004-LCA-00032
2004-LCA-00034

In the Matter of

DANVILLE FAMILY PRACTICE
Appellant

v.

**ADMINISTRATOR,
U.S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION**
Respondent

FINAL JUDGMENT

The Administrator, Wage and Hour Division, United States Department of Labor issued a Determination Letter in the above-referenced matter pursuant to 20 C.F.R. Part 655.815 – H1B Specialty Occupations under the Immigration and Nationality Act (INA), finding that the appellant willfully failed to pay wages as required in violation of 20 C.F.R. § 655.731 (See 20 C.F.R. § 655.805(a)(2), 20 C.F.R. § 655.805(a)(6) (1995), 20 C.F.R. § 655.731 (1995) and 8 U.S.C. § 1182(n); and that the appellant failed to make available for public examination the Labor Condition Application and necessary document(s) at the employer's principal place of business or worksite in violation of 20 C.F.R. § 655.760(a), (See 20 C.F.R. § 655.805(a)(14), 20 C.F.R. § 655.760(a) (1995) and 20 C.F.R. § 655.805(a)(7) (1995)).¹

The appellant, admitting the allegations of respondent, now wishes to resolve this matter by entry of this Final Judgment. The Court enters this Final Judgment based upon the terms and conditions agreed to by the parties as a final adjudication of all claims asserted by the respondent in this action.

IT BEING JUST AND PROPER TO DO SO, the Court hereby enters this Final Judgment pursuant to Rules 54 and 58 of the Federal Rules of Civil Procedure and hereby ORDERS, ADJUDGES AND DECREES as follows:

¹ The June 1, 2004 Determination Letter rescinded and took the place of the two May 12, 2004 Determination Letters.

I

The appellant will pay a total of \$15,000.00 representing back wages, to Dr. Javed Rana. This payment will be made by cashier's check, Ahmad Law Office Trust Account check or certified check made payable to Dr. Rana. This check will be forwarded to the attorneys for the Department of Labor for receipt no later than October 31, 2004.

The attorneys for the Department of Labor will then distribute the check to Dr. Rana.

II

The parties shall bear their own costs (including, but not limited to, attorney's fees) incurred in connection with the investigation, prosecution and defense of this action.

III

The appellant agrees to a three-year disqualification (debarment) from participation in the H1B program, pursuant to 20 C.F.R. § 655.810(d). The appellant agrees to be disqualified from approval of any petitions filed by, or on behalf of, the appellant pursuant to §§ 204 or 214(c) of the INA, 8 U.S.C. § 1182(n).

IV

This Final Judgment shall have the same force and effect as an Order made after full hearing. The parties waive any further procedural steps before the Administrative Law Judge, and waive the right to challenge or contest the validity of this Final Judgment.

It appearing to the Court that all parties have reached agreement on the terms set forth above, the Court hereby ORDERS that Final Judgment be entered in accordance with the terms herein.

A

Robert D. Kaplan
Administrative Law Judge

Cherry Hill, New Jersey

Appellant consents to entry of
the foregoing Judgment:

//S//

WAEL AHMAD

Attorney for Appellant
Ahmad Law Office
Suite 201
333 West Vine Street
Lexington, Kentucky 40507

Respondent moves entry of
the foregoing Judgment:

HOWARD M. RADZELY
Solicitor of Labor

STANLEY E. KEEN
Regional Solicitor

THERESA BALL
Associate Regional Solicitor

//S//

DONNA E. SONNER
Attorney

MARY SUE TAYLOR
Attorney

U.S. Department of Labor
Attorneys for Respondent