

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 10 May 2005**

In the Matter of

ADMINISTRATOR, WAGE  
AND HOUR DIVISION  
Prosecuting Party

v.

TECHNICAL SOFTWARE CONSULTING, INC.,  
and SUKHPAL DHILLON, Chief Operating Officer  
Respondent

Case No. 2004-LCA-00037

**ORDER APPROVING SETTLEMENT**

By notice issued on September 7, 2004, a hearing in this case arising under §212(n) of the Immigration and Nationality Act, 8 U.S.C. 1182(n), and 20 C.F.R. §655.800 *et seq.*, was scheduled to be held on January 4, 2005 in Detroit. Subsequently, the parties requested that a settlement judge be appointed, and on September 24, 2004, Chief Judge John Vittone issued an order appointing Judge Michael Lesniak as the settlement judge. Based on the parties' representation that the settlement negotiations were underway, I granted their motion to continue the hearing. Then, by letter dated April 8, 2005, the parties submitted an executed settlement agreement to me for my approval.

The settlement agreement provides for the payment of substantial back wages to 14 nonimmigrant aliens. But those payments are to be paid in installments over a period of 5 ½ years. I was concerned that these back wages would have much less value to the employees when paid out in small increments over that period. Moreover, since the recipients are nonimmigrant aliens, there is the added problem of maintaining contact with them over that period so they get the wages due to them under the settlement. Accordingly, on April 25, 2005, I conducted a conference call with the parties, to determine whether other options may be available to get the back wages to the workers sooner. In particular, I asked the Solicitor to determine whether the Department of Labor could advance the full payments to the workers. On May 4, 2005, the Solicitor reported back, stating that Department of Labor does not have either the statutory authority or the appropriated funds to advance payments to the workers under the Immigration and Nationality Act.

Since I have no reason to doubt that the settlement agreement is the best agreement possible under the circumstances, IT IS ORDERED that it is approved.

A

JEFFREY TURECK  
Administrative Law Judge