

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 November 2007

Case No.: 2005-LCA-00033

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

GOLDSTONE TECHNOLOGIES, LTD.,
Respondent

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

This proceeding arises out of the employee protection provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(i)(b), 1182(n) and 1184(c) ("H-1B provisions"), and implementing regulations found at 20 CFR Part 655, Subparts H and I.

The Wage and Hour Division of the Department of Labor initiated an investigation of the Respondent and found various violations of the H-1B provisions of the Immigration and Nationality Act. The Administrator, Wage and Hour Division, issued a Determination on May 20, 2005, detailing the violations and finding that the Respondent owed \$440,081.00 in back wages to 43 H-1B non-immigrant workers, but assessing no civil money penalty. On June 2, 2007, the Respondent requested a hearing before the Office of Administrative Law Judges to challenge the Administrator's Determination.

This case was initially set for hearing on July 19, 2005, but the hearing was continued due to a conflict in counsel's schedule and because the parties believed they could reach a settlement. The parties have now submitted a Settlement Agreement in this matter, along with the Declaration of Mahita Caddell, Director of Goldstone Technologies, USA Ltd., the authorized representative of the Respondent. The parties represent that this Settlement Agreement resolves all issues in dispute, and request that it be approved and a decision be issued based upon the agreed findings, in accordance with the Rules of Practice and Procedure before the Office of Administrative Law Judges, 29 CFR §18.9. I have reviewed the terms of the Settlement Agreement, including the stipulations contained therein, and find that the terms of the Settlement Agreement are fair and reasonable, and in substantial compliance with the requirements of 29 CFR § 18.9(b).

IT IS THEREFORE ORDERED that the Settlement Agreement submitted by the parties is APPROVED and ADOPTED as the findings of fact and conclusions of law of the Office of Administrative Law Judges, and shall constitute full, final, and complete adjudication of this proceeding. The parties are ORDERED to carry out and comply with the provisions of the Settlement Agreement in all respects.

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ALICE M. CRAFT
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the Administrative Law Judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC, 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the Administrative Law Judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the Administrative Law Judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the Administrative Law Judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).