



**Issue Date: 12 April 2006**

CASE NO. 2006-LCA-00008

*In the Matter of:*

GEURGE ALHAMES,  
Prosecuting Party,

vs.

SOUTH COAST AUTO INSURANCE MARKETING, INC.,  
Respondent.

**DECISION AND ORDER DISMISSING REQUEST FOR HEARING**

On November 8, 2005, the Wage and Hour Division of the Employment Standards Administration determined that South Coast Auto Insurance Marketing, Inc. (South Coast) had underpaid wages due to Mr. Geurges Alhames as an H-1B non-immigrant worker. Any interested party had an opportunity to challenge this finding by filing a request for a hearing no later than 15 days after the date of the determination.

Mr. Alhames faxed his request for a hearing on December 24, 2005, well after the 15-day period had expired. On February 15, 2006, I issued an Order to Show Cause why the hearing request should not be dismissed as untimely. Mr. Alhames responded that he did not know that he was an interested party because the determination came in the form of a letter that was not addressed directly to him, but instead to South Coast's Vice President, Mr. Joseph B. Waked. The letter plainly states, however that the addressee *and* "any interested party" have the right to request a hearing. As the prosecuting party in this matter, Mr. Alhames had a key interest; no additional letter addressed to, or naming him specifically was necessary.

Mr. Alhames insists that he checked the regulations but did not find any authority that spoke to his concern over the calculation of back wages. As an interested party 20 C.F.R. § 655.820 (b)(2) permitted him to request a hearing after the Administrator finds that the employer

committed violations. Mr. Alhames' misunderstanding of the determination and the law does not extend his time to respond.

The request for hearing is dismissed.

**So ordered.**

A

William Dorsey  
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).