

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 August 2007

CASE NO.: 2007-LCA-00011

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR
DIVISION,

Prosecuting Party,

vs.

CROWN MEDICAL CLINIC, INC.,

Respondent,

Appearances: Bruce L. Brown, Esquire
For the Prosecuting Party

Thomas H. Fain, Esquire
For the Respondent

Before: Jennifer Gee
Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

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

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 March 12, 2007, detailing the violations and finding that Respondent owed \$42,219.86 in back wages to three H-1B non-immigrant workers and assessed a civil money penalty in the amount of \$15,750. On March 17, 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 April 25, 2007, but the hearing was continued to July 18, 2007, because Respondent’s counsel was not available. The latter hearing was vacated after I was notified that the parties had reached a resolution of the issues in this case.

The parties have now submitted a Joint Motion for Approval of Settlement in this matter. Submitted as part of the Joint Motion are Consent Findings which the parties have asked that I adopt as my own findings. I have reviewed the terms of the Consent Findings that were submitted with the Joint Motion and find that the terms are fair and reasonable.

Thus, the Consent Findings submitted as part of the Joint Motion for Approval of Settlement are APPROVED and ADOPTED as findings of the Office of Administrative Law Judges. The parties are ORDERED to carry out the provisions of the terms of the settlement set out in their Joint Motion for Approval of Settlement.

A

JENNIFER GEE
Administrative Law Judge

NOTICE OF REVIEW:

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).