

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 February 2007

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR
Complainant/ Prosecuting Party**

v.

2007 LCA 00003

**THE BISCAVNE INSTITUTES OF HEALTH & LIVING
D/B/A BISCAVNE ACADEMY
Respondent**

ORDER

APPROVING STIPULATION

This case was brought pursuant to 20 C.F.R. § 655.820 et seq., as amended by the interim final regulations published by the Department of Labor on December 20, 2000, 65 Fed. Reg. 80110 et seq. (2000) to implement the H-1B provisions of the Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101(a)(15)(H)(i)(B) and 1182(n), and in accordance with 29 C.F.R. Part 18 of the Rules of Practice and Procedure of the Office of Administrative Law Judges. A hearing was scheduled for April 10, 2007. However, I was advised that the parties had agreed to a settlement and that a consent order would be sent to me within thirty days. Accordingly, I cancelled the hearing and on February 6, 2007 received "Consent Findings and Order" submitted by the parties.

By entering into consent findings, the parties have accepted certain obligations and agreed to specific actions which resolve all existing issues. Having carefully considered the provisions of the Consent Findings, I conclude that the resolution is fair and legally sufficient.

Accordingly, after having been fully advised in these premises, I approve the Settlement Agreement, dated January 26, 2007. The Approved Settlement Agreement shall constitute the final administrative order in this case.

ORDER

The terms and conditions set forth in the Consent Findings are **AFFIRMED**.

This action is **DISMISSED WITH PREJUDICE**; and each party shall bear his or its own costs, expenses, and attorney fees incurred in connection with this action.

A

DANIEL F. SOLOMON
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: Pursuant to 20 CFR § 655.845, any party dissatisfied with this Decision and Order may appeal it to the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, by filing a petition to review the Decision and Order. The petition for review must be received by the Administrative Review Board within 30 calendar days of the date of the Decision and Order. Copies of the petition shall be served on all parties and on the administrative law judge.