



Date: June 13, 2000  
Case No. 2000-LCA-0004

*In the Matter of*

ADMINISTRATOR, WAGE AND  
HOUR DIVISION,

*Prosecuting Party*

v.

CODESOFT INTERNATIONAL, INC.,

*Respondent*

### DECISION AND ORDER

This matter was scheduled for formal hearing and decision under §212(n) of the *Immigration and Nationality Act* (8 U.S.C. 1182(n)) (INA) and 20 C.F.R. § 655.800, *et seq.* in Atlanta, Georgia on May 30, 2000. Prior to commencement of the hearing, Counsel for the Administrator advised that the hearing should be cancelled as the parties had reached a settlement of all issues. On June 8, 2000, Counsel submitted fully executed consent findings and a proposed decision and order.

Upon review of the consent findings I find that they include a request for withdrawal of Respondent's request for hearing, a waiver of further procedural steps before this office, a waiver of Respondent's right to challenge these findings, and that this Decision and Order shall have the same force and effect as an order made after full hearing.

It is, accordingly, ordered that:

1. The Consent Findings dated June 7, 2000, executed by the parties are hereby adopted, incorporated herein, and made a part of this Decision and Order;
2. The Respondent, Codesoft International, Inc., shall pay back wages to Jaffar A. Patel in the amount of \$27,000.00 in accordance with paragraph 7 of the attached Consent Findings; and
3. Respondent's request to withdraw its request for hearing is approved.

RICHARD E. HUDDLESTON  
Administrative Law Judge

**NOTICE OF APPEAL:**

Within 30 days of the Administrative Law Judge's decision, an aggrieved party may file a Petition for Review with the Administrative Review Board (ARB), U.S. Department of Labor, Room S-4309 FPB, 200 Constitution Avenue, N.W., Washington, D.C. 20210, under 20 C.F.R. § 655.845 with a copy to the Chief Administrative Law Judge and the other parties. If a Petition for Review of the Administrative Law Judge's decision is filed with the ARB, and the ARB determines to review the decision and order, a notice of the ARB's determination shall be served on the Administrative Law Judge and the parties.

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION  
EMPLOYMENT STANDARDS ADMINISTRATION,  
UNITED STATES DEPARTMENT OF LABOR,

CASE NO.  
2000-LCA-0004

Prosecuting Party,

v.

CODESOFT INTERNATIONAL, INC.,

Respondent.

**CONSENT FINDINGS**

The parties hereby stipulate, agree and consent to entry of findings, as follows:

1. This matter arises under the Immigration and Nationality Act [29 U.S.C. 1101, et seq.], hereinafter the "Act" and Regulations found at 20 C.F.R. Part 655.
2. At all times pertinent hereto, respondent is an employer who had filed a Labor Condition Application (LCA) with the U.S. Department of Labor (Department) to employ Jaffar A. Patel as a nonimmigrant worker under the H-1B provisions of the Act.
3. Upon written notice dated March 13, 2000, in accordance with 20 C.F.R. § 655.815, the Administrator for the Wage and Hour Division of the Department issued a determination that respondent had nonwillfully failed to meet the provisions that respondent had non-willfully failed to meet the provisions of its LCA by not paying the required wages to Jaffar A. Patel.
4. Respondent in accordance with 20 C.F.R. § 655.820 made a timely request for hearing for the alleged violation.
5. Respondent without admitting the violation represents that they are presently in compliance with the Act and all applicable Regulations thereunder.
6. Respondent hereby withdraws the aforesaid request for hearing.
7. Respondent agrees to pay Jaffar A. Patel a total of \$27,000.00 in back wages in five equal monthly payments of \$5,400.00. The first payment shall be due on or before July 1, 2000, and the last payment on or before November 1, 2000. Each payment shall be delivered or mailed to Mr.

Jaffar A. Patel, 39900 Blacow Road, Apt #37, Fremont, California 94538. A copy of each payment check shall be mailed to Rafael Batine, Office of the **Solicitor, U.S. Department of Labor, 61 Forsyth Street, S.W.**, Room 7T10, Atlanta, GA 30303.

8. Should respondent fail to make any such payments, as scheduled, the entire unpaid balance shall become due and payable, together with such court costs as may be incurred by the Department to collect such amount.

9. The parties agree that:

(a) The final order disposing of this proceeding shall have the same force and effect as an order made after full hearing;

(b) The entire record on which such final order shall consist solely of the notice of the Administrator's determination and these agreements and consents; and

(c) Each party shall bear its own costs, fees and expenses as were incurred by it in connection with any stage of these proceedings.

10. The parties waive:

(a) Further procedural steps before an Administrative Law Judge; and

(b) Any right to challenge or contest the validity of these findings or of any order entered in accordance herewith.

Dated 7th day of June 2000.

HENRY L. SOLANO  
Solicitor of Labor

JAYLYNN K. FORTNEY  
Regional Solicitor

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