



Issue date: 12Apr2001

CASE NUMBER: 2001-LCA-0002

In the Matter of:

U. S. DEPARTMENT OF LABOR,
Complainant,

vs.

SUD CORPORATION,
Respondent.

DECISION AND ORDER APPROVING CONSENT DECREE AGREEMENT

This proceeding arises under the Immigration and Nationality Act of 1952 P.L. 82-414, 66 Stat. 163, codified and amended at 8 U.S.C. § 1101, et seq. (the “INA”), as amended by the Immigration Act of 1990, P.L. 101-649, 104 Stat. 4978, and the Miscellaneous Technical Immigration and Naturalization Amendments of 1991, P.L. 102-232, 105 Stat. 1733 and the American Competitiveness and Workforce Improvement Act of 1998 (“ACWIA”), P.L. 105-277, 122 Stat. 2861-641. Jurisdiction over the hearing in this matter vested in the Office of Administrative Law Judges by INA § 212 (n)(2), 8 U.S.C. § 1182 (n)(2), 20 C.F.R. § 655.820-840.

On October 18, 2000, the United States Department of Labor, Employment Standards Administration, Wage and Hour Division, issued to Sud corporation a Determination Letter detailing its findings and assessing a \$1,000 penalty for violations of the H-1B provision of the INA, as amended.. On October 31, 2000, Sud Corporation filed a timely Request for Hearing on the findings contained in the Determination Letter.

On December 8, 2000, the undersigned issued a Notice of Hearing, which set the case for hearing on April 24, 2001, and required the parties to provide certain information. On January 12, 2001, the parties requested an extension to respond to the Court’s Order, which was granted. Thereafter, the parties engaged in settlement discussions which resulted in resolution, therefore making it unnecessary for the parties to file and exchange the noticed items. The hearing was cancelled.

On March 26, 2001, the parties filed the Consent Decree which is attached hereto and incorporated herein. Pursuant to the terms of the Consent Decree, the parties agree that such constitutes full and complete settlement of all issues in the above-captioned matter.

ORDER

Upon consideration of the record and the Consent Decree, I hereby ORDER that such is APPROVED in full and incorporated herein by reference. The Consent Decree shall constitute my findings of fact and conclusions of law and shall constitute full, final and complete adjudication of this proceeding.¹

Anne Beytin Torkington
Administrative Law Judge

ABT:dmk

¹Note, however, that jurisdiction is retained by this Court for a period of two years for purposes of enforcement of the Consent Decree. See paragraphs 20 through 24 of the Consent Decree.