

**U.S. Department of Labor**

Office of Administrative Law Judges  
800 K Street, NW, Suite 400-N  
Washington, DC 20001-8002

(202) 693-7300  
(202) 693-7365 (FAX)



*Issue date: 12Dec2001*

*In the matter of*

**Administrator, Wage and Hour Division  
United States Department of Labor**

Complainant

Case No. 2001-LCA- 26

v.

**Insoft Technologies Inc.**

Respondent

**Decision and Order  
Approving Stipulation  
*And Withdrawal of the Request for Hearing***

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.

A hearing was held in this matter on October 23, 2001 in Tampa, Florida. The Claimant appeared pro se, although he was advised that he has a right to be represented. After the hearing the Respondent was given time to obtain counsel or to develop the record.

On December 12, 2001, the parties submitted a Consent Findings and proposed order. The parties stipulate, to an 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 Rao Vatpala Ramachandra ("Narayana") as a nonimmigrant worker under the H-1B provisions of the Act.

3. Upon written notice dated April 16, 2001, 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 willfully failed to meet the provisions of its LCA by not paying the required wages to Narayana.

4. Respondent in accordance with 20 C.F.R. § 655.820 made a timely request for hearing for the alleged violation.

5. The Administrator hereby amends his Determination as follows: a civil money penalty of \$1,000.00 is assessed against Insoft Technologies. The penalty shall be paid on or before April 1, 2002. Insoft Technologies is order to pay back wages of \$17,091.00 to Narayana on or before April 1, 2002. The occurrence of this violation requires the Department to notify the Departments of Employment Training Administration and the Attorney General per 20 CFR 655.855.

6. Respondent represents that they are presently in compliance with the Act and all applicable Regulations thereunder.

7. Respondent hereby withdraws the aforesaid request for hearing.

8. 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.

9. 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.

After a review of the evidence, including the exhibits and the transcript, I accept the stipulations and consent findings.

**ORDER**

In accordance with such Consent Findings, it is:

**ORDERED** that the terms and conditions set forth in the Consent Findings are affirmed, and withdrawal of Respondent request for hearing is approved.

**SO ORDERED.**

Daniel F. Solomon  
Administrative Law Judge