



DATE: May 14, 1992

CASE NO.: 89-MSP-36

In the Matter of

LYNN MARTIN, Secretary of Labor
U.S. Department of Labor,

Plaintiff

versus

JESUS M. RODRIGUEZ

Respondent

BEFORE: RUDOLF L. JANSEN
Administrative Law Judge

DECISION AND ORDER

This proceeding arises under the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. Section 1801, *et seq.*, and the regulations issued thereunder found at 29 C.F.R. Part 500. On March 28, 1989, an Order of Reference was issued whereby the Plaintiff asserted a civil money penalty in the amount of \$900 against the Respondent based upon violations of the Act. A hearing was requested by the Respondent on the determination made by the U.S. Department of Labor.

By agreement of the parties, Consent Findings have been duly executed and entered into, and are set forth in a document entitled "Consent Findings," a copy of which is attached hereto and incorporated herein by this reference. The Consent Findings satisfy the procedural requirements stated at 29 C.F.R. Section 500.232.

IT IS ORDERED that Item 25 of the Summary of Violations dated September 30, 1988 is affirmed, and that a civil money penalty of \$200.00 be, and hereby is, assessed for such violations.

IT IS FURTHER ORDERED that Item 15 of the Summary of Violations dated September 30, 1988 is vacated in its entirety. The remaining \$150.00 of the \$200.00

assessment against Respondent is to be paid in three installments of \$50.00 each on the second day of each month, beginning May 2, 1992 and ending July 2, 1992. The checks should be sent to the United States Department of Labor - Wage/Hour Division, 525 Griffin Street, Suite 858, Dallas, Texas 75202. Each check submitted should reflect W.H. Case No. 88-613-17116.

In the event of default by the Respondent in the payment of any of the above-recited installments, the total balance remaining unpaid shall then become due and payable and interest shall be assessed against the remaining unpaid balance at the rate provided by 28 U.S.C. Section 1961 from the date of this order until the total amount is paid in full.

The parties to this proceeding are in agreement that the caption of this case should be changed to reflect that the Respondent is Jesus M. Rodriguez rather than Jesus M. Rodriguez, Jr. Therefore, IT IS ORDERED that the caption of this case will be changed to reflect that the Respondent is Jesus M. Rodriguez.

WHEREFORE, upon consideration of the record in its entirety, I hereby find that the modified assessment of the civil money penalty contained in the "Consent Findings," agreed to by all parties to this matter, is the Final Order of the Secretary of Labor.

RUDOLF L. JANSEN
Administrative Law Judge