

UNITED STATES DEPARTMENT OF LABOR

OFFICE OF ADMINISTRATIVE LAW JUDGES

San Francisco, California

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**Issue Date: 31 July 2024**

CASE NO.: 2023-TNE-00007

WHD NO.: 1948413

*In the Matter of:*

T.J. SCHMIDT & COMPANY, LLC,  
*Respondent.*

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This case arises under the Temporary Non-Agricultural Employment of H-2B Aliens provisions of the Immigration and Nationality Act of 1952 (“INA”) 8 U.S.C. § 1101 *et seq.*, as amended, and its implementing regulations found at 8 C.F.R. § 241.2(h)(6), 20 C.F.R. Part 655, Subpart A, and 29 C.F.R. Part 503, Subpart C.

On July 29, 2024, the parties filed Settlement Agreement and Consent Findings (“Consent Findings”) wherein the parties agreed that Respondent shall pay the Administrator the total amount of \$86,000, representing \$72,253.85 in back wages and \$13,746.15 in civil money penalties.

The parties further agree, as required by 29 C.F.R. § 503.49(b)(1)-(4) and 29 C.F.R. § 18.71(b), that: (1) the entire record upon which this Order is based shall consist of the Administrator’s determination letter and attachments thereto and the parties’ agreement; (2) absent a breach of the agreement, the parties waive any further procedural steps before the Administrative Law Judge and waive any right to challenge or contest the validity of the Consent Findings and this Order issued in accordance with the parties’ agreement; and (3) the Consent Findings and this Order shall have the same force and effect as an order made after a full hearing.

Section 503.49(d) provides that the presiding administrative law judge shall accept any agreement containing consent findings if the judge is satisfied with its form and substance. After reviewing the terms of the agreement, I am satisfied that it conforms to the requirements set forth in § 503.49(b)(1-4) and is a satisfactory resolution of the issues previously contested.

Accordingly, IT IS ORDERED that the terms of the Consent Findings are APPROVED, and they are adopted and incorporated in full into this Order.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge

PCJ/ksw

## SERVICE SHEET

Case Name: Wage\_and\_Hour\_Divisi\_v\_TJ\_Schmidt\_and\_Compa\_

Case Number: **2023TNE00007**

Document Title: **DECISION AND ORDER APPROVING CONSENT FINDINGS**

I hereby certify that a copy of the above-referenced document was sent to the following this 31st day of July, 2024:

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