



In the Matter of:

DHEERAJ REDDY JINNA,

ARB CASE NO. 2019-0070

PROSECUTING PARTY,

ALJ CASE NO. 2018-LCA-00039

v.

DATE: May 26, 2020

MPRSOF, INC.,

RESPONDENT.

Appearances:

For the Complainant:

Dheeraj Reddy Jinna; *pro se*; Monmouth Junction, New Jersey

For the Respondent:

Leslie Stout-Tabackman, Esq.; Minnie Fu, Esq.; *Jackson Lewis, P.C.*;
Reston, Virginia

Before: Thomas H. Burrell, *Acting Chief Administrative Appeals Judge*,
Heather C. Leslie and James A. Haynes, *Administrative Appeals Judges*

ORDER DENYING RECONSIDERATION

PER CURIAM. This case arises under the H-1B visa program provisions of the Immigration and Nationality Act, as amended (INA), 8 U.S.C. § 1101(a)(15)(H)(i)(b) (2014) and 8 U.S.C. § 1182(n) (2013), and implementing regulations at 20 C.F.R. Part 655, subparts H and I (2016). The Administrator, Wage and Hour Division (WHD), U.S. Department of Labor (DOL) conducted an investigation of MPRSoft, Inc. (Respondent) and issued an Administrator's Determination Letter in which it concluded that Respondent owed back wages in the amount of \$53,220.06 to Dheeraj Reddy Jinna (Complainant).

On September 22, 2018, the Complainant appealed the Administrator's Determination and requested a hearing with the Office of Administrative Law Judges (OALJ). On July 16, 2019, a DOL Administrative Law Judge (ALJ) issued a Decision and Order Modifying in Part and Affirming in Part the Administrator's Determination and Granting Request for Additional Back Wages. Decision and Order (July 16, 2019) (D. & O.). The ALJ affirmed the Administrator's Determination to not assess any civil money penalties, but modified it and awarded Complainant \$88,890.17 in back pay, plus interest.

On April 15, 2020, we affirmed the ALJ's findings and calculations for wages earned during Complainant's tenure with Respondent, but modified the total amount of back wages owed to Complainant to \$6,651.03 in net back wages and \$52,904.94 in gross back wages, plus interest. On April 30, 2020, Complainant filed a Petition for Reconsideration (Petition) seeking reconsideration of our decision.

The Administrative Review Board (ARB or Board) is authorized to reconsider a decision upon the filing of a motion for reconsideration within a reasonable time of the date on which the decision was issued. We will reconsider our decisions under limited circumstances, which include: (1) material differences in fact or law from those presented to a court of which the moving party could not have known through reasonable diligence, (ii) new material facts that occurred after the court's decision, (iii) a change in the law after the court's decision, or (iv) failure to consider material facts presented to the court before its decision. *Gupta v. Headstrong, Inc.*, ARB Nos. 2015-0032, 2015-0033, ALJ No. 2014-LCA-00008, slip op. at 2, (ARB Feb. 14, 2017) (Order Denying Motion for Reconsideration) (citing *Kirk v. Rooney Trucking Inc.*, ARB No. 2014-0035, ALJ No. 2013-STA-00042, slip op. at 2, (ARB Mar. 24, 2016) (Decision and Order Denying Reconsideration)).

Complainant asserts that we should reconsider our decision for several reasons, including: (1) he did not neglect to file a cross appeal because he did not know legal formalities or that it was required; (2) he called the ARB and was informed that he would get a chance to present issues to be reviewed; and (3) his arguments were not an effort to diminish the appealing party's rights, but instead, to increase the scope of review by the Board. *See* Petition at 2-3. None of Complainant's arguments fall within any of the four limited circumstances under which we will reconsider our decisions. Therefore, we **DENY** his Petition.

SO ORDERED.