



Issue Date: 01 October 2019

Case No.: 2018-CLA-00002

In the Matter of

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR**
Plaintiff

v.

**LUCKEY TRUCKING,
d/b/a LUCKEY TRANSFER, LLC.**
Respondent

ORDER APPROVING CONSENT FINDINGS

This matter arises under Section 16(e) of the Fair Labor Standards Act of 1938 (“FLSA”), as amended, 29 U.S.C. § 210 *et seq.*, and the regulations at 29 C.F.R. Parts 579 and 580.

The U.S. Department of Labor, Wage and Hour Division (“WHD” or “Plaintiff”) filed an *Order of Reference*, dated June 8, 2018, with the Office of Administrative Law Judges (“Office” or “OALJ”), alleging several violations of the child labor provisions of the FLSA. This Office issued a *Notice of Docketing* on June 3, 2018, directing the parties to exchange certain prehearing information. On August 14, 2019, I issued an order suspending all prehearing deadlines upon notice the parties had reached a settlement.

On September 24, 2019, Plaintiff filed *Consent Findings*, which are signed by counsel for Plaintiff and Respondent and Respondent’s vice-president. The *Consent Findings* detail the parties’ agreement that Plaintiff will reduce the assessed civil money penalties to \$7,785.00. In turn, Respondent agrees to withdraw its exceptions to this reduced penalty and make payment, which Plaintiff reflects it has done.¹

The rules of procedure governing FLSA administrative proceedings are set forth in 29 C.F.R. Part 580. Section 580.7(a) states that the OALJ Rules of Practice and Procedure, found at 29 C.F.R. Part 18, shall apply to the extent they do not conflict with the provisions of Part 580.

¹ Respondent also agrees not to employ persons between the ages of 14 and 17 contrary to the provisions of Hazardous Occupations Orders No. 2 and 7, found at 29 C.F.R. § 570.52 and § 570.58.

As Part 580 does not provide standards for approving a settlement agreement and consent findings, it is appropriate to apply the standards provided in 29 C.F.R. §18.71.

After reviewing the terms of the agreement, I am satisfied that they conform to the requirements set forth in § 18.71(b)(1)-(4) and are a satisfactory resolution of the issues previously contested. Accordingly, the *Consent Findings* are hereby fully incorporated into this order and are **APPROVED**. The case is hereby **DISMISSED**.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge