

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 46
NUMBER 12
December 15, 2024**

COMMONWEALTH REGISTER
VOLUME 46
NUMBER 12
DECEMBER 15, 2024

ADOPTED

Public Notice of Certification and Adoption of Regulations 60-20 Part 100 Organization, Philosophy & Goals Public School System	051494
Public Notice of Certification and Adoption of Regulations 60-30.2 Part 200 Certification Public School System	051496
Public Notice of Certification and Adoption of Regulations 60-303.3 Part 700 Administrator's Certification and Compensation Public School System	051498

PROPOSED

Public Notice of Proposed Amendments To the Chargemaster for Various Fees Commonwealth Healthcare Corporation	051500
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ORDERS

PUA Case No. 23-0263 Subject: Order Granting Parties' Stipulated Motion to Dismiss In the Matter of: Joann A. Cabrera v. CNMI Dept. of Labor Department of Labor	051508
PUA Case No. 23-0264 Subject: Findings of Fact and Conclusions of Law In the Matter of: Alexander Rubia v. CNMI Dept. of Labor Department of Labor	051509
Enf. Inv. No. 24-002-08 Compl. Agency No. 24-002 Subject: Stipulated Judgment In the Matter of: Dept. of Labor, Enf. & Compl. V. Golden Corp. Department of Labor	051519

Enf. Inv. No. 24-007-08
Compl. Agency No. 24-003
Subject: Stipulated Judgment
In the Matter of: Dept. of Labor, Enf. & Compl. V. Manbin Corp.
Department of Labor **051523**

Enf. Inv. No. 24-008-08
Compl. Agency No. 24-004
Subject: Stipulated Judgment
In the Matter of: Dept. of Labor., Enf. & Compl. V. Sky Co., Ltd.
Department of Labor **051527**

Enf. Inv. No. 24-006-08
Compl. Agency No. 24-005
Subject: Stipulated Judgment
In the Matter of: Dept. of Labor, Enf. And Compl. V. Daniel Corp.
Department of Labor **051531**

Enf. Inv. No. Enf. Inv. No. 24-003-08
Compl. Agency No. 24-006
Subject: Stipulated Judgment
In the Matter of: Dept. of Labor, Enf. & Compl. V. AbleSaipan Co.,
Ltd. Department of Labor **051535**

Labor Case No. 25-001
Subject: Administrative Decision Dismissing Complaint
For Lack of Jurisdiction and Failure to Show Cause
In the Matter of: Changcai Dong v. Osman Gani Saipan Constr. Svcs.
Department of Labor **051539**

Labor Case No. 25-002
Subject: Administrative Decision Dismissing Complaint
For Lack of Jurisdiction and Failure to Show Cause
In the Matter of: Mingcai Su v. Osman Gani Saipan Constr. Svcs.
Department of Labor **051541**



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- *Public School System*
PO Box 501370 Saipan, MP 96950 . Tel. 670 664-3711 . E-mail: boc.admin@cnmipss.org



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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

60-20 Part 100

Volume 46, Number 08, pp 051225-051233, of August 15, 2024

Non-Voting Members

Dora B. Miura, PhD
Teacher Representative

Ronald E. Snyder, EdD
Non-Public School Rep.

Vinnie Juan Q. Sablan
Student Representative

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent and now does so.

The Proposed Amendment to Proposed Regulations 60-20 Part 100 Organization, Philosophy, & Goals published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed PSS Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Emergency Board meeting of October 21, 2024.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None. The regulations were adopted as proposed and published.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

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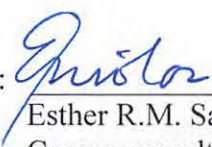
COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency’s concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL FOR NON-MODIFIED REGULATIONS: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (AG approval of regulations to be promulgated as to form and legal sufficiency). As such, further approval is not required.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the _____ day of November 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Submitted by:  Date 11/20/24
Gregory P. Borja, Chairperson
18th CNMI State Board of Education

Filed and Recorded by:  Date 12.13.24
Esther R.M. San Nicolas
Commonwealth Registrar

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

60-30.2 Part 200

Volume 46, Number 08, pp 051234-051255, of August 15, 2024

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent and now does so.

The Proposed Amendment to Proposed Regulations 60-30.2 Part 200 Certification published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed PSS Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Emergency Board meeting on October 21, 2024.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None. The regulations were adopted as proposed and published.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.



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COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency’s concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL FOR NON-MODIFIED REGULATIONS: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (AG approval of regulations to be promulgated as to form and legal sufficiency). As such, further approval is not required.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the _____ day of November 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Submitted by:  Date 11/20/24
Gregory P. Borja, Chairperson
18th CNMI State Board of Education

Filed and Recorded by:  Date 12.13.24 #1
Esther R.M. San Nicolas
Commonwealth Registrar

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

60-30.3 Part 700

Volume 46, Number 08, pp 051256-051262, of August 15, 2024

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent and now does so.

The Proposed Amendment to Proposed Regulations 60-30.3 Part 700 Administrator’s Certification and Compensation published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed PSS Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Emergency Board meeting on October 21, 2024.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

None. The regulations were adopted as proposed and published.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.



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Commonwealth of the Northern Mariana Islands ---- **Public School System**
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Student Representative

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency’s concise statement, if there are any, in response to filed comments.


ATTORNEY GENERAL APPROVAL FOR NON-MODIFIED REGULATIONS: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (AG approval of regulations to be promulgated as to form and legal sufficiency). As such, further approval is not required.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the _____ day of November 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Submitted by: 
Gregory P. Borja, Chairperson
18th CNMI State Board of Education

11/20/24
Date

Filed and Recorded by: 
Esther R.M. San Nicolas
Commonwealth Registrar

12-13-24
Date

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Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950



PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS:
The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the attached additional Chargemaster pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The additional Chargemaster will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Board of Trustees may prepare and adopt rules and regulations to assure delivery of quality health care and medical services and the financial viability of the Corporation that will best promote and serve its purposes. 3 CMC Section 2826(c).

THE TERMS AND SUBSTANCE: These are new and revised fees.

THE SUBJECTS AND ISSUES INVOLVED: New and revised fees.

DIRECTIONS FOR FILING AND PUBLICATION: This Notice of Proposed Amendments to the Chargemaster shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(A)(1)) codified at NMIAC Sections 140-10.8-101. Copies are available upon request from Roxanne Ada, Director of Revenue.

TO PROVIDE COMMENTS: Send or deliver your comments to Roxanne Ada, Director of Revenue, roxanne.ada@chcc.health, Attn: *Amendments to the Chargemaster for Various Fees* at the above address, fax or email address, with the subject line "Amendments to the Chargemaster for Various Fees." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

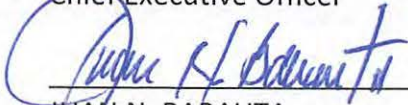
OFFICE OF THE
ATTORNEY GENERAL
CIVIL DIVISION

2024 NOV 27 PM 2: 23

These proposed amendments to the Chagemaster, for Various Fees were approved by the CHCC Board of Trustees and the CHCC CEO.

Submitted by: 
ESTHER L. MUNA
Chief Executive Officer

11/14/24
Date


JUAN N. BABAUTA
Board Chair

11/14/2024
Date

Filed and Recorded by: 
ESTHER M. SAN NICOLAS
Commonwealth Registrar

12.13.24
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 27th day of November, 2024.


EDWARD E. MANIBUSAN
Attorney General

Fee Edits - 03/2024-10/2024

REV CODE	CHARGE CODE	CPT MOD	Description	Reason for change	Previous Price	New Price
960	965002583327	37618	26	LIGATION MAJOR ARTERY EXTREMITY	NEW	\$1,171.65
960	965002583328	32555	26	THORACENTESIS NEEDLE/CATH PLEURA W/IMAGING	NEW	\$320.49
960	965002583329	32552	26	RMVL NDWELLG TUNNELED PLEURAL CATHETER W/CUFF	NEW	\$475.32
732	365000289440	93229	TC	XTRNL MOBILE CV TELEMETRY W/TECHNICAL SUPPORT	NEW	\$897.18
960	965002583330	93228	26	XTRNL MOBILE CV TELEMETRY W/I&REPORT 30 DAYS	NEW	\$76.02
960	965002583331	49405	26	IMAGE-GUIDE FLUID COLLXN DRAINAGE CATH VISC PERQ	NEW	\$567.57
960	965002583332	77001	26	FLUOROGUIDE FOR VEIN DEVICE	NEW	\$52.80
960	965002583334	64451	26	NJX AA&/STRD NRV NRVTVG SI JT	NEW	\$247.98
370	965002583333	1120	26	ANESTH PELVIS SURGERY	NEW	\$248.28
369	365000289441	64451	TC	NJX AA&/STRD NRV NRVTVG SI JT	NEW	\$1,317.80
960	965002583335	64454	26	NJX AA&/STRD GNCLR NRV BRNCH	NEW	\$250.29
369	365000289442	64454	TC	NJX AA&/STRD GNCLR NRV BRNCH	NEW	\$1,317.80
960	965002583336	32551	26	TUBE THORACOSTOMY INCLUDES WATER SEAL	NEW	\$450.30
480	365000289443	92950	TC	CARDIOPULMONARY RESUSCITATION	NEW	\$598.12
960	965002583337	49082	26	ABD PARACENTESIS	NEW	\$220.53
369	365000289445	31720	TC	CATHETER ASPIRATION NASOTRACHEAL SPX	NEW	\$406.44
960	965002583338	78457	26	VENOUS THROMBOSIS IMAGING	NEW	\$101.94
369	365000289446	63046	TC	LAM FACETEC & FORAMOT THRC	NEW	\$13,632.66
960	965002583339	120	26	ANESTH EAR SURGERY	NEW	\$203.50
369	365000289447	63047	TC	LAM FACETEC & FORAMOT LUMBAR	NEW	\$13,632.66
960	965002583340	63046	26	LAM FACETEC & FORAMOT THRC	NEW	\$3,694.11
983	965002583342	99459	26	PELVIC EXAMINATION	NEW	\$78.03
731	365000289448	93246	TC	EXTERNAL ECG REC>7D<15D RECORDING	NEW	\$76.42
361	365000289449	64999	TC	UNLISTED PROCEDURE NERVOUS SYSTEM	NEW	\$564.40
960	965002583341	63047	26	LAM FACETEC & FORAMOT LUMBAR	NEW	\$3,338.88
960	965002583343	42415	26	EXCISE PAROTID GLAND/LESION	NEW	\$3,254.04
960	965002583344	42826	26	REMOVAL OF TONSILS	NEW	\$812.01
960	965002583345	31530	26	LARYNGOSCOPY W/FB REMOVAL	NEW	\$600.18
960	965002583346	46606	26	ANOSCOPY AND BIOPSY	NEW	\$229.11
320	365000289449	74450	TC	X-RAY URETHRA/BLADDER	NEW	\$466.94
960	965002583347	1952	26	ANESTH BURN 4-9 PERCENT	NEW	\$206.90

960	965002583348	620	26	ANESTH SPINE CORD SURGERY	NEW		\$413.80
960	965002583349	630	26	ANESTH SPINE CORD SURGERY	NEW		\$331.04
302	315000180980	86041	TC	ACETYLCHOLN RCPTR BNDNG ANTB	NEW		\$55.20
960	965002583350	670	26	ANESTH SPINE CORD SURGERY	NEW		\$537.94
349	365000289444	78457	TC	VENOUS THROMBOSIS IMAGING	NEW		\$1,029.98
960	965002583351	36832	26	AV FISTULA REVISION OPEN	REVISED	\$513.45	\$2,153.70
960	965001183878	36821	26	ARTERIOVENOUS ANASTOMOSIS OPEN DIRECT	REVISED	\$891.45	\$1,875.72
960	965001284019	44970	26	LAPAROSCOPIC APPENDECTOMY	NEW		\$1,807.98
960	965001284173	47563	26	LAPS SURG CHOLECYSTECTOMY W/CHOLANGIOGRAPHY	REVISED	\$722.40	\$2,143.80
960	965002583351	872	26	ANESTH KIDNEY STONE DESTRUCT	NEW		\$289.66
969	965001284174	49613	26	RPR AA HERNIA RECR < 3 CM REDUCIBLE	NEW		\$1,231.92
360	365000289448	49613	TC	RPR AA HERNIA RECR < 3 CM REDUCIBLE	NEW		\$9,889.02
960	965001284175	49614	26	RPR AA HERNIA RECR < 3 CM NCRC8/STRANGULATED	NEW		\$1,660.41
360	365000289449	49614	TC	RPR AA HERNIA RECR < 3 CM NCRC8/STRANGULATED	NEW		\$16,492.77
969	965001284174	49615	26	RPR AA HERNIA RECR 3-10 CM REDUCIBLE	NEW		\$1,857.18
360	365000289450	49615	TC	RPR AA HERNIA RECR 3-10 CM REDUCIBLE	NEW		\$9,889.02



Commonwealth Healthcare Corporation

Commonwealth gi Sankattan na Islas Mariãnas
1178 Hinemlu' St. Garapan, Saipan, MP 96950



NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI CHCC CHARGEMASTER PARA DIFIRENTIS NA ÂPAS

I AKSION NI MA'INTENSIONA PARA U ADÂPTA ESTI I MANMAPROPONI NA TINILAIKA GI AREKLAMENTU YAN REGULASION SIHA: I Commonwealth Healthcare Corporation (i CHCC) ha intensiona para u adâpta komu petmanienti i mañechettun na hina'halum Chargemaster sigun gi maneran i Âkton Administrative Procedure, 1 CMC § 9104(a). I hina'halum Chargemaster siempri umifektibu gi halum dies (10) dihas dispues di adâptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÂT: I Board of Trustees siña mapripâra yan adâpta i areklamentu yan regulasion siha para u mana'garantiha na manmannâna' i kuâlidât na inadahin hinemlu' yan setbisiun mediku yan i macho'cho'chu' na fainansiât nu i Corporation ni mäs ha na'adilantão yan sietbi i rason-ñiha siha. 3 CMC Seksiona 2826(c).

I TEMA YAN SUSTÂNSIAN I PALÂBRA SIHA: Mannuebu na âpas siha.

I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: Nuebu na âpas siha.

DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti na nutisia put i Manmaproponi na Amenda siha gi Chargemaster siempri mapupblika gi halum Rehistran Commonwealth halum i seksiona gi maproponi yan nuebu na manma'adâpta na regulasion siha (1 CMC § 9102(a)(1)) yan mapega gi halum kumbinienti na lugât halum i civic center yan halum i ufisinan gubietnamentu gi kada distritun senadot, parehu gi finu' Inglis yan i prinsipât na lingguâhi natibu (1 CMC § 9104(A)(1)) codified gi NMIAC na Seksiona 140-10.8-101. Managuaha kopia yanggin marikuesta ginen as Roxanne Ada, i Direktot Reditu.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânão pat intrega hâlum i upiñom-mu guatu as, i Direktot Reditu, roxanne.ada@chcc.health, Attn: "Amenda gi Chargemaster, para Difirentis na Âpas" gi sanhilu' na address, fax osino email address, yan i suhetu na rãya "Amenda gi Chargemaster, para Difirentis na Âpas." I upiñon siha debi na u fanhâlum gi halum trenta (30) dihas ginen i fetchan publikasiõn esti na nutisia. Put fabot na'hâlum i infotmasion, upiñon pat testimonion kinentrãm-mu siha. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

OFFICE OF THE
ATTORNEY GENERAL
CIVIL DIVISION

2024 NOV 27 PM 2: 24

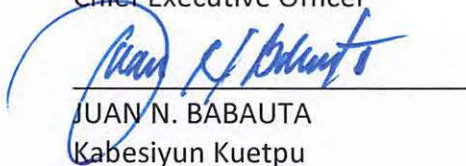
Esti i manmaproponi na amenda siha gi Chargemaster, para Difirentis Ápas ginen maninapueba ni i Kuetpun CHCC Trustees yan i CHCC CEO.

Nina'hålum as:



ESTHER L. MUNA
Chief Executive Officer

11/14/24
Fetcha



JUAN N. BABAUTA
Kabesiyun Kuetpu

11/14/24
Fetcha

Pine'lu yan
Ninota as:

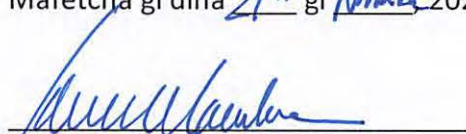


ESTHER M. SAN NICOLAS
Rehistran Commonwealth

12.13.24
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Hinirât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (hentan inapruedan Abugâdu Hinirât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisient i ligât ginin i CNMI Abugâdu Henerât yan debi na u mapublika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 27th gi Novembre 2024.



EDWARD E. MANIBUSAN
Abugâdu Hinirât

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950



ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGALI CHCC CHARGEMASTER NGALI AKKÁÁW ÓBWÓSS PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

MÁNGEMÁNGIL MWÓGHUTH REEL REBWE ADÓPTÁÁLI PPWOMMWOL SIIWEL NGALI ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Healthcare Corporation (CHCC) re mángemángil rebwe adóptááli Chargemaster ikka e schuulong ikka e appasch bwe ebwe lléghló sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Chargemaster ikka rebwe bwal aschuulong ebwe bwunguló seigh (10) ráál mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Emmwel bwe Board of Trustees rebwe ayoora mmwelil me adóptááli allégh me mwóghutughut reel ebwe ffat issisiwowul ghatchúl health care me alilisil mediku me mille financial viability sáangi Corporation iye ebwe ghatch le alisi fféerú aar angaang. 3 CMC Tálil 2826(c).

KKAPASAL ME WEEWEEL: Ikkaal ffél óbwóss.

KKAPASAL ME AUTOL: Ffél óbwóss.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Arongorongol Ppwommwol Liiwel ngáli Chargemaster me llól Commonwealth Register llól tálil ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center llól bwulasiyol gobetnameento me llól senatorial district, fengál reel English me mwáliyaasch (1CMC § 9104(A)(1)) iye e itittiw me NMIAC Tálil 140-10.8-101. Emmwel ubwe tingór pappidil mille sáangi Roxanne Ada, Director-il Revenue.

REEL ISIISILONGOL KKAPAS: Afanga ngare bwughiló yóómw ischil kkapas ngáli Roxanne Ada, Director-il Revenue, roxanne.ada@chcc.health, Attn: *Amendments to the Chargemaster, for Various Fees* reel féféfé iye e lo weiláng, fax ngare email address, fengál wóól subject line bwe "Amendments to the Chargemaster, for Various Fees." Ebwe toolong ischil kkapas llól eliigh (30)

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

OFFICE OF THE
ATTORNEY GENERAL
CIVIL DIVISION

2024 NOV 27 PM 2: 24

ráal mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngare angiingi. (1 CMC § 9104(a)(2)).

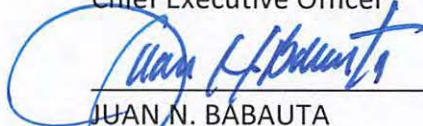
Aa átirow ppwommwol liiwel kkaal ngáli Chargemaster, for Various Fees sángi CHCC Board-il Trustees me CHCC CEO.

Isáliyalong:



ESTHER L. MUNA
Chief Executive Officer

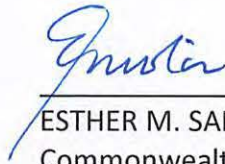
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Ráal



JUAN N. BABAUTA
Board Chair

11/14/24
Ráal

Ammwelil:



ESTHER M. SAN NICOLAS
Commonwealth Registrar

12.13.24
Ráal

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut kkaal bwe aa lléghlól reel fféerúl me ebwe arongowow) me 1 CMC § 9104(a)(3) (sángi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghló reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Ghikill wóól 27 ráalil November 2024.



EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	PUA Case No. 23-0263
)	
Joann A. Cabrera,)	
)	
Appellant,	)	ORDER GRANTING PARTIES'
	)	STIPULATED MOTION TO DISMISS
v.)	
)	
CNMI Department of Labor,)	
)	
Appellee.)	
)	

On October 24, 2024, the parties were ordered to submit a status report or joint motion to dismiss on or before November 13, 2024. On October 30, 2024, the Department filed a status report stating that they have issued new determinations and initiated the payment process. On November 8, 2024 the parties' filed a joint Motion to Dismiss the above-captioned appeal. Upon review, the undersigned finds:

1. The Department has reviewed the case and issued a new Determination Requalifying Appellant for weeks beginning April 18, 2021 to June 12, 2021, and disqualifying Appellant for weeks beginning June 13, 2021 to September 4, 2021 which the Appellant has agreed to and does not contest;
2. The Department has issued remaining benefits due to Appellant through paper check no.31847 which the Appellant has acknowledged receipt; and
3. There are no remaining issues to resolve.

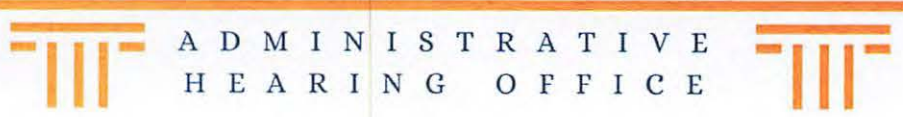
Based on above, there are no remaining issues to resolve and dismissal is appropriate. Accordingly, the parties' joint motion is **GRANTED** and this appeal is hereby **DISMISSED**.

So ordered this **8th** day of November, 2024.

Jacqueline A. Nicolas
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR



In Re Matter of:	)	PUA Case No. 23-0264
)	
Alexander Rubia,)	
)	
Appellant,	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
v.)	
)	
CNMI Department of Labor,)	
)	
Appellee.)	
)	

I. INTRODUCTION

This matter came before the undersigned for an Administrative Hearing on October 31, 2024 at approximately 9:00 a.m. and November 7, 2024 at 1:30 p.m. at the Administrative Hearing Office, Saipan. Appellant Alexander Rubia (“Appellant”) was present and self-represented. Appellee CNMI Department of Labor (“Appellee” or “Department”) was present and represented by PUA Adjudication Team Lead Naomi Camacho and PUA BPC (“Benefit Payment Control”) Auditor Team Lead Sharleen Villacrusis.¹

Based on the applicable law, parties’ arguments, and evidence presented, the Department’s Determination dated December 6, 2023 is **AFFIRMED**. Appellant is **NOT ELIGIBLE** for benefits for the period of March 22, 2020 to December 26, 2020. Further, the Department’s Notice of Overpayment dated April 7, 2021 is **AFFIRMED**. Appellant is overpaid for a total of \$9,510 for the week ending March 22, 2020 to July 25, 2020. Lastly, the issue with respect to eligibility of an overpayment waiver is **REMANDED** to the Department to issue a Determination ruling on the eligibility for a waiver consistent with this Order.

///

///

¹ PUA Adjudication Management Analyst Joseph Pangelinan and PUA BPC Management Analyst Vincent Sablan were present to observe.

II. JURISDICTION

1 Pandemic Unemployment Assistance (“PUA”) is federal unemployment benefits distributed
2 by state agencies to eligible workers affected by the COVID-19 public health emergency.² The
3 CNMI Department of Labor (“Department”) is responsible for administering the federal PUA
4 program to eligible workers in the CNMI.³ Further, the Department’s Administrative Hearing
5 Office is designated to review appeals of any PUA determination or redetermination issued in the
6 CNMI.⁴

7 Appellant is a CNMI resident who filed a claim for unemployment benefits under the PUA
8 program administered by the Department. Appellant was ultimately denied benefits and issued a
9 Notice of Overpayment. Appellant is appealing the Department’s Disqualifying Determination
10 and Notice of Overpayment. Accordingly, jurisdiction is established.

III. PROCEDURAL BACKGROUND

11 This matter concerns an established overpayment, payment plan, and denial of PUA benefits.
12 On April 7, 2021, the Department issued a Notice of Overpayment finding Appellant was
13 overpaid benefits in the total amount of \$9,510.00 for weeks ending March 22, 2020 through July
14 25, 2020. On December 6, 2023, the Department issued a Disqualifying Determination, effective
15 March 22, 2020 to December 26, 2020. The Disqualifying Determination provides that Appellant
16 is disqualified due to ineligible immigration status. On December 18, 2023, Appellant filed an
17 appeal to contest the Notice of Overpayment and Disqualifying Determination. The matter was
18 scheduled for a hearing. In preparation for the hearing, the parties were ordered to file a prehearing
19 statement and proposed exhibits. On December 29, 2023, the Department filed their prehearing
20 statement with proposed exhibits. On January 3, 2024, Appellant filed their prehearing statement
21 with proposed exhibits. On January 9, 2024, Appellant filed an amended prehearing statement
22 with additional proposed exhibits. The hearing was held on October 31, 2024.

23 ///

24 ///

25 ///

26 ///

27 _____
28 ² See 15 USCA § 9021.

³ See 15 USCA § 9021(f).

⁴ See 15 USCA § 9021(c).

IV. ISSUE STATEMENT

The issue(s) on appeal are:

1. Whether the appeal is timely filed;⁵
2. Whether Appellant is eligible to receive PUA benefits; and
3. If overpaid, whether Appellant is eligible for a waiver from repaying received benefits.

V. FINDINGS OF FACT

In consideration of the evidence admitted and credibility of witness testimony, the undersigned issues the following findings of fact:

1. Appellant is a CNMI resident, living and working in Saipan.
 - a. Appellant is a Philippine Citizen and had authorization to work in the CNMI as a Commonwealth Only Transitional Worker (“CW-1”).⁶
 - b. At the time relevant to this appeal, Appellant was a full time cook for 360 Revolving Restaurant in Saipan.
2. Effective March 27, 2020, 360 Revolving Restaurant temporarily closed due to the pandemic and Appellant became unemployed.⁷
3. At the beginning of the PUA program, the laws regarding eligibility of CW-1 workers were unclear. The Department was actively seeking clarification and political leaders were lobbying for changes in the law to support CW-1 workers.⁸ All the while, the Department encouraged all affected workers to apply for PUA benefits.
4. On or around June 20, 2020, Appellant applied for unemployment assistance under the PUA and FPUC programs administered by the Department.⁹ In the initial application, Appellant submitted:
 - a. Appellant is authorized to work in the CNMI as an “Alien/Refugee Lawfully Admitted to U.S.”

///

///

⁵ In the event that the appeal is not timely filed, the latter issue(s) will be considered moot and omitted from the decision.

⁶ Exhibit #2 (A copy of Appellant’s I-797A Approval Notice).

⁷ Exhibit #3 (A copy of Appellant’s Certification of Employment, dated April 29, 2020).

⁸ Exhibit #4 (A copy of USDOL Letter to Congressman Kilili Sablan regarding CW-1 Eligibility).

⁹ Exhibit #1 (A copy of Appellant’s Application Snapshot, filed June 20, 2020).

1 b. Appellant's employment was affected by COVID-19 when "My place of
2 employment is closed as a direct result of the COVID-19 public health
3 emergency"; and

4 c. Appellant's employment was affected since March 27, 2020.

- 5 5. Notably, the online portal did not provide any option to designate himself as a CW-1. In
6 support of his application, Appellant provided a CW-1 approval notice.
- 7 6. Based on the application and supporting documents, Appellant's claims were auto-
8 adjudicated by the online system and PUA benefits were paid to Appellant.
- 9 7. On or around June 28, 2020, Appellant received a payment of \$9,510 for PUA and FPUC
10 benefits.
- 11 8. On or around August 8-9, 2020, two news articles were published and circulated by local
12 newspapers stating that the US Department of Labor confirmed that CW-1 workers were
13 not eligible for PUA.¹⁰ These arguments are speculative and generalized news articles are
14 insufficient notice and do not constitute constructive notice.¹¹
- 15 9. By February 2021, Appellant exhausted the PUA benefits received. Specifically,
16 Appellant spent approximately \$7,500 to purchase a used vehicle.¹² The remainder of the
17 money was spent on rent, basic necessities, and other household expenses.
- 18 10. On or around April 2021, the Department issued the contested Overpayment
19 Determination finding Appellant was overpaid \$9,510 for weeks of March 22, 2020
20 through July 25, 2020.¹³ This Overpayment Determination was personally served to
21 Appellant on April 1, 2021.
- 22 11. The Overpayment Determination included Appellant's appeal rights but Appellant did not
23 thoroughly read or understand the document. Moreover, Appellant felt pressured to sign
24 and agree to the proposed payment plan because he was concerned about being deported
25 or liable for fraud.¹⁴

26 ¹⁰ Exhibit #5 (A copy of news articles regarding CW eligibility, dated August 8-9, 2020).

27 ¹¹ Because of these articles, Considering the numerous changes in the program, incomplete messaging, and
28 inconsistent applications of law, the undersigned rejects the Department's speculative arguments and does not find
these articles to constitute constructive notice of an overpayment.

¹² Exhibit #11 (A copy of the Appellant's vehicle bill of sale, dated February 2, 2021).

¹³ Exhibit #7 (A copy of Department's Notice of Overpayment and Payment Plan Agreement, dated April 7, 2021).

¹⁴ Exhibit #7b (A copy of the Department's Payment Plan Agreement, dated April 1, 2021).

1 12. Ultimately, Appellant agreed to the Overpayment Determination and Repayment Plan of
2 \$500 monthly payments.

3 13. Appellant did not have the opportunity to avail of potential overpayment waivers.

4 a. Upon establishing the Notice of Overpayment, the Department's BPC Unit did not
5 consider waiving recovery of Appellant's overpayment.¹⁵

6 b. Appellant did not have specific knowledge of the availability of waivers.

7 c. There is no showing that the Department informed Appellant of the potential to
8 waive recovery of an overpayment – either verbally or in written notices.
9 Specifically, there is no case notes on file from former auditors and information
10 regarding overpayment waivers were not included on the Benefits Rights
11 Information Handbook or Determination of Overpayment.

12 14. Based on the matters discussed during the hearing, the Department's current position on
13 the waiver is unclear.

14 15. On or around October of 2023, the Department issued a Disqualifying Determination.¹⁶

15 The Disqualifying Determination provided:

16 a. Appellant failed to show he is a qualified alien.

17 b. Appellant was disqualified from March 22, 2020 to December 26, 2020; and

18 c. Appellant's ten-day deadline to appeal was December 16, 2023.

19 16. On December 6, 2023, upon request for reconsideration, Department issued a
20 Redetermination, with no change to Appellant's disqualification and/or overpayment.

21 17. After struggling to keep up with the established repayment plan and learning about
22 waivers, on December 18, 2023, Appellant filed the present appeal to contest both the
23 April 2021 Overpayment Determination and December 2023 Disqualifying
24 Determination.

25 18. During the Administrative Hearing, Appellant stated that he does not contest the basis of
26 the Disqualifying Determination and Overpayment Determination. Instead, Appellant
27 wants consideration for an Overpayment Waiver. The Department's position with respect
28 to a waiver is unclear.

¹⁵ At the time, waivers were only considered upon appeal. Now, the Department's BPC team automatically considers the possibility of waiver for each established overpayment.

¹⁶ Exhibit #6 (A copy of Department's Disqualifying Determination, dated December 6, 2023).

VI. CONCLUSIONS OF LAW

In consideration of the above-stated findings and applicable law,¹⁷ the undersigned issues the following conclusions of law:

A. Appellant's Appeal of the Disqualifying Determination is moot.

On December 6, 2023, the Department issued a Disqualifying Determination to Appellant. Based on the information provided in his PUA application and supporting documents, the Department found Appellant was a CW-1 and not eligible for benefits from March 22, 2020 to December 26, 2020.¹⁸ Originally, on December 18, 2023, Appellant filed an appeal contesting this decision. However, during the Administrative Hearing, Appellant confirmed that he does not contest the basis of the Disqualifying Determination issued on December 6, 2023. Accordingly, the issues regarding timeliness of the Disqualifying Determination and eligibility are moot.

B. Appellant's appeal of the Overpayment Determination was not timely.

An appeal should be filed within ten days after the Notice of Determination was issued or served to the claimant. HI. Rev. Statute § 383-38(a). However, the deadline to file an appeal may be extended to 30 days by a showing of good cause. HAR § 12-5-81(j). Good cause means: (1) illness or disability; (2) keeping an appointment for a job interview; (3) attending a funeral of a family member; and (4) any other reason which would prevent a reasonable person from complying as directed. *Id.*

Here, the Department issued the Overpayment Determination on April 7, 2021. However, Appellant agreed to the Overpayment Determination and repayment plan on April 1, 2021. The ten-day deadline to appeal was April 17, 2021. Appellant did not appeal this decision until December 18, 2023. Even with a good cause extension, the appeal was filed years later and is now untimely.

¹⁷ Generally, PUA determinations are made based on a combination of federal and state law. The CARES Act (Pub. L. No. 116-136), the Continued Assistance Act (Pub. L. No. 116-260 § 201), and the American Rescue Plan Act (Pub. L. No. 117-2), which funded and created the program, were codified under 15 USCA § 9021. Unless otherwise provided by statute, the Disaster Unemployment Assistance (DUA) program regulations under 20 CFR Part 625 applies to the PUA program. 15 USCA § 9021(h). As stated therein, the applicable state law in the Commonwealth of the Northern Mariana Islands is Hawaii Employment Security Law. 20 CFR §§ 652.2 and 625.11; *see also* 15 USCA § 9021(c).

¹⁸ Pandemic Unemployment Assistance is considered a federal public benefit, as defined by 8 USC §1611(c). Generally, in order to receive a federal public benefit, the claimant must be a US Citizen, Noncitizen National, or Qualified Alien at the time relevant to the claim. 8 USC §1611(a). For purposes of PUA, Commonwealth Only Transitional Workers may be eligible to receive benefits for claims filed after December 27, 2020, provided all other eligibility requirements are met. *See* Pub. L. No. 116-260; *See also* Unemployment Insurance Program Letter 16-20, change 4, page I-16 (January 8, 2021).

1 **C. The issue of overpayment waiver is remanded to the Department.**

2 If the state agency determines that an individual wrongfully received PUA benefits, the
3 claimant is liable to repay the total sum of which they were not entitled. 15 USCA § 9021(d)(4);
4 20 CFR 625.14. Repayment may be waived if the overpayment was received without claimant's
5 fault and recovery would be against equity and good conscience. 15 USCA § 9021(d)(4); Haw.
6 Code R. §12-5-85.

7 Fault is defined as:

- 8 (A) A material statement made by the individual which the
9 individual knew or should have known to be incorrect; or
10 (B) Failure to furnish information which the individual knew or
11 should have known to be material; or
12 (C) Acceptance of a payment which the individual either knew or
13 reasonably could have been expected to know was incorrect.

14 Haw. Code R. § 12-5-85. In evaluating equity and good conscience, the factors to consider
15 include, but are not limited to:

- 16 (A) Whether notice of a redetermination was given to the claimant,
17 as required ...
18 (B) Hardship to the claimant that the repayment may impose; and
19 (C) The effect, if any, that the repayment will have upon the
20 fulfillment of the objectives of the program.

21 *Id.* In addition to the no fault waiver, the state has authority to grant specific blanket waivers.

22 Upon review, the undersigned finds that remand is appropriate for a number of reasons.

23 First, due to a change in practice, Appellant was never fully considered for a waiver. At the
24 time the Department's Overpayment Determination was issued, waivers were only considered
25 upon appeal. That practice has since changed to allow the Department to decide and apply
26 waivers, in accordance with the applicable law, subsequently after establishing that an
27 overpayment occurred. In light of above, the Department has not made a decision that the
28 undersigned can now review.

 Second, based on the parties' arguments, the Department's position against a waiver is not
supported by the law considering: (1) the Department ultimately conceded that the overpayment
occurred without fault and (2) the undersigned finds that the Department failed to consider all the
circumstances to determine equity and good conscience. Notably, Appellant did not submit false,

1 inaccurate, or incomplete information to defraud the system. Instead, the online system
2 wrongfully auto-adjudicated Appellant's claim and paid benefits before considering the uploaded
3 supporting documents. The Department wrongfully assigns fault on Appellant because he did not
4 return or set aside overpaid funds after a news article stated that CW-1 workers were not eligible
5 for PUA. This argument wrongfully places the burden on claimants and ignores the fact that it is
6 the Department's responsibility to promptly notify and recover overpaid funds. A news articles
7 from an outside office is not sufficient notice of an overpayment. Further, it is not unreasonable
8 to find that overpaid funds were used when the Department waited eight months to issue a Notice
9 of Overpayment. And while the Department may not agree with Appellant's financial
10 management decisions to use the funds to purchase a vehicle, such matters are outside their reach
11 and irrelevant to the issue of waivers.

12 Third, remand is necessary to uphold principles of fairness and due process. Notably, failure
13 to consider Appellant for a waiver is an epic system failure that contradicts the spirit and text of
14 the law that created the PUA program to support workers affected by the COVID-19 public health
15 emergency. Further, while the undersigned recognizes that Appellant signed and agreed to the
16 Overpayment Determination and proposed payment plan, he did so without all the information
17 and under threat of deportation and criminal prosecution. Upon review, there is no showing that
18 waiver information was ever communicated to Appellant. Specifically, there is no waiver
19 information in the relevant case notes from the prior auditor, email communications, notices in
20 the published materials, or in the Overpayment Determination. Further, there is a serious concern
21 that the Department's tactics to recover overpayments were unnecessarily predatory among
22 struggling, vulnerable, and self-represented claimants with limited English proficiency. In light
23 of above, the undersigned finds that Appellant was denied a meaningful opportunity to seek a
24 waiver.

25 VII. DECISION

26 For the reasons stated above, it is ORDERED that:

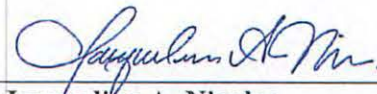
- 27 1. The CNMI Department of Labor's Disqualifying Determination, dated December 6, 2023
28 is **AFFIRMED**;
2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of March 22,
2020 to December 26, 2020;

- 1 3. The CNMI Department of Labor's Overpayment Determination, dated April 7, 2021 is
2 **AFFIRMED**;
- 3 4. Appellant was **OVERPAID** benefits in the amount of \$9,510.00 for weeks ending March
4 22, 2020 through July 25, 2020; and
- 5 5. The issue of eligibility for a waiver is **REMANDED** to the Department's Benefit Payment
6 Control Unit. The Department is **ORDERED** to issue a decision¹⁹ with respect to
7 eligibility for a waiver, consistent with this Order.

8 If a party is aggrieved by this Order and would like to contest the decision, he or she must
9 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The
10 written request should be supported by legal, factual, or evidentiary reasons to reopen the
11 decision. The written request must be submitted to the Administrative Hearing Office, either in
12 person at 1331 Ascencion Drive, Capitol Hill Saipan MP 96950 or via email at
13 hearing@dol.gov.mp.

14 In the event a request to reopen the decision is granted, the matter shall be scheduled for a
15 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant
16 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI
17 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,
18 filings fees, and filing deadlines for judicial review will be as established by the applicable law
19 and court rule.

20 So ordered this **8th** day of November, 2024.

21 

22 **Jacqueline A. Nicolas**
23 Chief Administrative Hearing Officer

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25
26
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28 _____
¹⁹ In the event that Appellant disagrees with the Department's new determination, he may file a new appeal.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

Alexander Rubia v CNMI DOL
23-0264

LIST OF ADMITTED EXHIBITS

1. **Exhibit 1:** A copy of the Appellant's Application Snapshot filed on June 20, 2020;
2. **Exhibit 2:** A copy of Appellant's I-797A Approval Notice;
3. **Exhibit 3:** A copy of the Certification of Employment dated April 29, 2020;
4. **Exhibit 4:** A copy of USDOL Letter to Congressman Kili Sablan regarding CW-1 Eligibility for PUA;
5. **Exhibit 5:** A copy of the Newspaper Articles regarding CW eligibility posted on Saipan Tribune (August 8, 2020) and Marianas Variety (August 9, 2020)
6. **Exhibit 6:** A copy of Department's Disqualifying Determination, dated December 6, 2023;
7. **Exhibit 7:** A copy of the Department's Notice of Overpayment dated April 7, 2021;
 - a. A copy of Department's Notice of Overpayment's second page;
 - b. A copy of the Payment Plan Agreement; and
 - c. A copy of the Payment Plan Agreement's second page.
8. **Exhibit 8:** A copy of Department's Benefits Rights Information Handbook;
9. **Exhibit 9:** A copy of BPC's Audit Summary;
10. **Exhibit 10:** A copy of the Appellant's Request to file an Appeal, filed on December 18, 2023;
11. **Exhibit 11:** A copy of the Appellant's Vehicle Bill of Sale dated February 22, 2021;
12. **Exhibit 12:** A copy of Appellant's Financial Documents; and
13. **Exhibit 13:** A copy of the Newspaper Article, dated June 5, 2020.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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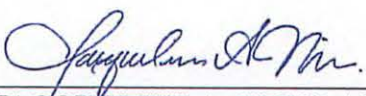
In Re Matter of:)	Enforcement Investigation No. 24-002-08
)	Compliance Agency Case No. 24-002
Department of Labor, Enforcement and)	
Compliance,)	
)	
Complainant,	)	STIPULATED JUDGMENT
)	
v.)	
)	
Golden Corporation,)	
)	
Respondent.)	
)	

On November 8, 2024, the parties filed a joint motion for stipulated judgment. Based on the filing and the applicable law, the undersigned finds:

1. The parties agree to a stipulated judgment against Respondent for a violation of the 30% workforce participation requirement under NMIAC §80-20.1-210 for the third quarter of 2023 and first quarter of 2024; and
2. The parties agree to the sanction of \$2,000 all suspended but for \$1,000 to be paid in accordance with the agreed payment plan, late fees, and acceleration fee.

Upon review, the undersigned finds that the terms of the stipulated judgment are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Joint Motion for Stipulated Judgment is approved and incorporated into this Stipulated Judgment.

So ordered this **12th** day of November, 2024.



JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ENFORCEMENT SECTION**

In the Matter of:

Department of Labor, Enforcement and Compliance,

Complainant,

v.

Golden Corporation

Respondent.

EIN NO: 24-002-08

CAC NO. 24-002

**JOINT MOTION FOR
STIPULATED
JUDGMENT**

CNMI DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

CASE #: CAC 24-002

RECEIVED

BY: Jodygo DATE: 11/8/24

FACTUAL BASIS

Pursuant to 3 CMC § 4525, in full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer. This participation requirement is also delineated in the Labor regulations, NMIAC § 80-20.1-210(a). The applicable percentage of the workforce participation is currently specified by the Labor at thirty percent, pursuant to NMIAC § 80-20.210(c)(3). (An exemption to 3 CMC § 4525 is provided for employers with fewer than five employees, under 3 CMC § 4526(a), and under NMIAC § 80-20.1-215; however, these exemptions do not apply to Respondent because the Total Workforce Listing submitted by the Respondent reflects that the Respondent has more than five employees and does not meet the allowable exemptions provided therein.)

On January 9, 2024, a Notice of Warning was issued by the Labor Enforcement and Compliance Section notifying the Respondent that as result of the inspection and investigations conducted, the Respondent failed to meet the participation objective required under 3 CMC § 4525, and NMIAC § 80-20.1-210(a) and (c)(3). Specifically, a review of the Respondent's 3rd Quarter 2023 Total Workforce Listing submitted by the Respondent indicated that the workforce of 66 full time employees consisted of 59 CW workers and 7 U.S. workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 66 full time employees, the Respondent is required to have at least 13 status qualified workers within its

workforce. The Respondent was informed that failure to comply or correct the Notice of Warning within ten days will result in the issuance of a Notice of Violation and a Compliance Agency Case will be opened in accordance with NMIAC § 80-20.1-435, and NMIAC § 80-20.1-455(i), and that a fine of \$2,000.00 for each violation, sanctions, and other administrative remedies, including a denial of a Certificate of Good Standing, may result from such failure.

On April 29, 2024, the Respondent submitted its 1st Quarter 2024 Total Workforce Listing indication a total of 83 employees, of which 70 were CW workers and 13 status qualified workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 83 full time employees, the Respondent is required to have at least 25 status qualified workers within its workforce.

As a result of the above violations, a Determination and Notice of Violation was issued on August 8, 2024 and Compliance Agency Case (CAC No.24-002) was opened against the Respondent on August 9, 2024 for failure to meet the 30% status qualified workers in its total workforce.

AUTHORITY: By the authority of 3 CMC § 4941(b), the Labor may commence an action against an employer for alleged violation of the laws of the Commonwealth of the Northern Marianas Islands (“Commonwealth”).

GOLDEN CORPORATION VIOLATIONS

To fully resolve this Compliance Agency Case, Respondent acknowledges that Golden Corporation failed to meet the 30% workforce participation requirement for the 3rd Quarter 2023 and 1st Quarter 2024 pursuant to NMIAC § 80-20.1-210©(3). Respondent does not contest the allegations and findings as articulated in the Labor Department’s written determination issued on August 9, 2024, CAC No. 24-002, and as articulated in this Joint Motion for a Stipulated Judgement. Respondent further agrees to settle the case through a Stipulated Judgment issued by and approved by the Administrative Hearing Officer according to the terms herein and as approved by same.

TERMS OF SETTLEMENT

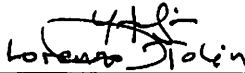
Respondent is hereby sanctioned the amount of \$2,000.00 for violation herein stated and Respondent does not contest the fine herein imposed. The amount of \$1,000.00 is hereby suspended on the following conditions:

1. Respondent pays the amount of \$1,000.00 in two installments of \$500.00 each, payable on NOV. 15, 2024, and second payment due on NOV. 29, 2024.
2. Respondent agrees not to commit any further violations of CNMI labor laws and regulations for a period of one year from the date of the Stipulated Judgment is entered.

In the event that Respondent fails to pay the \$1,000.00 in accordance with the payment plan above, Respondent shall be subjected to a penalty of \$25.00 late fee per day without the need for additional hearing, and the full amount of \$2,000.00 shall be immediately due.

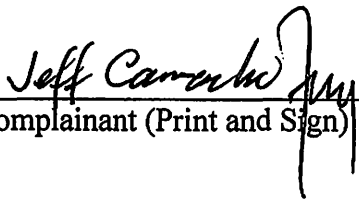
Respondent shall obtain a voucher from the Administrative Hearing Office and provide the voucher to the CNMI Treasury with the payment. A receipt as proof of payment shall be promptly submitted to the Administrative Hearing Office. In the event that Respondent fails to make full payment of the \$1,000.00 by the second payment day, a daily penalty of \$25.00 will be assessed for each day that payment is not made.

The parties acknowledge and agree that the Administrative Hearing Office shall retain jurisdiction in order to enforce the terms of this agreement.



Respondent (Print and Sign)

11/01/24
Date



Complainant (Print and Sign)

11/1/2024
Date



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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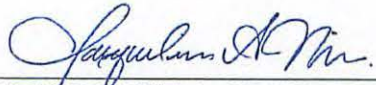
In Re Matter of:)	Enforcement Investigation No. 24-007-08
)	Compliance Agency Case No. 24-003
Department of Labor, Enforcement and Compliance,)	
)	
Complainant,	)	STIPULATED JUDGMENT
)	
v.)	
)	
Manbin Corporation,)	
)	
Respondent.)	
)	

On November 7, 2024, the parties filed a joint motion for stipulated judgment. Based on the filing and the applicable law, the undersigned finds:

1. The parties agree to a stipulated judgment against Respondent for a violation of the 30% workforce participation requirement under NMIAC §80-20.1-210 for the second quarter of 2024; and
2. The parties agree to the sanction of \$2,000 all suspended but for \$1,000 to be paid in accordance with the agreed payment plan, late fees, and acceleration fee.

Upon review, the undersigned finds that the terms of the stipulated judgment are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Joint Motion for Stipulated Judgment is approved and incorporated into this Stipulated Judgment.

So ordered this 8th day of November, 2024.



JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ENFORCEMENT SECTION

In the Matter of:

Department of Labor, Enforcement and
Compliance,

Complainant,

v.

Manbin Corporation

Respondent.

EIN NO: 24-007-08

CAC NO. 24-003

JOINT MOTION FOR
STIPULATED
JUDGMENT

CNMI DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

CASE #: CAC 24-003

RECEIVED

BY: Jodyo DATE: 11/7/24

FACTUAL BASIS

Pursuant to 3 CMC § 4525, in full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer. This participation requirement is also delineated in the Labor regulations, NMIAC § 80-20.1-210(a). The applicable percentage of the workforce participation is currently specified by the Labor at thirty percent, pursuant to NMIAC § 80-20.210(c)(3). (An exemption to 3 CMC § 4525 is provided for employers with fewer than five employees, under 3 CMC § 4526(a), and under NMIAC § 80-20.1-215; however, these exemptions do not apply to Respondent because the Total Workforce Listing submitted by the Respondent reflects that the Respondent has more than five employees and does not meet the allowable exemptions provided therein.)

On August 1,, 2024, a Notice of Warning was issued by the Labor Enforcement and Compliance Section notifying the Respondent that as result of the inspection and investigations conducted, the Respondent failed to meet the participation objective required under 3 CMC § 4525, and NMIAC § 80-20.1-210(a) and (c)(3). Specifically, a review of the Respondent's 2nd Quarter 2024 Total Workforce Listing submitted by the Respondent indicated that the workforce of 6 full time employees consisted of 6 CW workers and 0 U.S. workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 6 full time employees, the Respondent is required to have at least 2 status qualified workers within its

workforce. The Respondent was informed that failure to comply or correct the Notice of Warning within ten days will result in the issuance of a Notice of Violation and a Compliance Agency Case will be opened in accordance with NMIAC § 80-20.1-435, and NMIAC § 80-20.1-455(i), and that a fine of \$2,000.00 for each violation, sanctions, and other administrative remedies, including a denial of a Certificate of Good Standing, may result from such failure.

As a result of the above violations, a Determination and Notice of Violation was issued on August 21, 2024 and Compliance Agency Case (CAC No.24-003) was opened against the Respondent on August 21, 2024 for failure to meet the 30% status qualified workers in its total workforce.

AUTHORITY: By the authority of 3 CMC § 4941(b), the Labor may commence an action against an employer for alleged violation of the laws of the Commonwealth of the Northern Marianas Islands (“Commonwealth”).

MANBIN CORPORATION VIOLATIONS

To fully resolve this Compliance Agency Case, Respondent acknowledges that Manbin Corporation failed to meet the 30% workforce participation requirement for the 2nd Quarter 2024 pursuant to NMIAC § 80-20.1-210©(3). Respondent does not contest the allegations and findings as articulated in the Labor Department’s written determination issued on August 21, 2024, CAC No. 24-003, and as articulated in this Joint Motion for a Stipulated Judgement. Respondent further agrees to settle the case through a Stipulated Judgment issued by and approved by the Administrative Hearing Officer according to the terms herein and as approved by same.

TERMS OF SETTLEMENT

Respondent is hereby sanctioned the amount of \$2,000.00 for violation herein stated and Respondent does not contest the fine herein imposed. The amount of \$1,000.00 is hereby suspended on the following conditions:

1. Respondent pays the amount of \$1,000.00 in three installments of \$300.00 each, payable on Nov. 8, 2024, and second payment due on Nov. 30, 2024, third payment due on Dec. 15, 2024 and final payment of \$100.00 on or before December 31, 2024.
2. Respondent agrees not to commit any further violations of CNMI labor laws and regulations for a period of one year from the date of the Stipulated Judgment is entered.

In the event that Respondent fails to pay the \$1,000.00 in accordance with the payment plan above, Respondent shall be subjected to a penalty of \$25.00 late fee per day without the need for additional hearing, and the full amount of \$2,000.00 shall be immediately due.

Respondent shall obtain a voucher from the Administrative Hearing Office and provide the voucher to the CNMI Treasury with the payment. A receipt as proof of payment shall be promptly submitted to the Administrative Hearing Office. In the event that Respondent fails to make full payment of the \$1,000.00 by the second payment day, a daily penalty of \$25.00 will be assessed for each day that payment is not made.

The parties acknowledge and agree that the Administrative Hearing Office shall retain jurisdiction in order to enforce the terms of this agreement.

Cho, Vin Kos
Respondent (Print and Sign)

11/6/2024
Date

for Julie Tebutek
Complainant (Print and Sign)

11/6/2024
Date



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

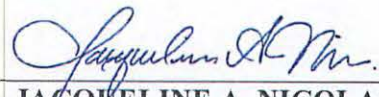
In Re Matter of:	)	Enforcement Investigation No. 24-008-08
	)	Compliance Agency Case No. 24-004
Department of Labor, Enforcement and)	
Compliance,)	
)	
Complainant,	)	STIPULATED JUDGMENT
)	
v.)	
)	
Sky Co., Ltd.,)	
)	
Respondent.)	
)	

On November 7, 2024, the parties filed a joint motion for stipulated judgment. Based on the filing and the applicable law, the undersigned finds:

1. The parties agree to a stipulated judgment against Respondent for a violation of the 30% workforce participation requirement under NMIAC §80-20.1-210 for the second quarter of 2024; and
2. The parties agree to the sanction of \$2,000 all suspended but for \$1,000 to be paid in accordance with the agreed payment plan, late fees, and acceleration fee.

Upon review, the undersigned finds that the terms of the stipulated judgment are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Joint Motion for Stipulated Judgment is approved and incorporated into this Stipulated Judgment.

So ordered this 8th day of November, 2024.



JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ENFORCEMENT SECTION**

In the Matter of:)
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 Department of Labor, Enforcement and)
 Compliance,)
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 Complainant,)
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 v.)
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 Sky Co., Ltd)
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 Respondent.)
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EIN NO: 24-008-08
CAC NO. 24-004

**JOINT MOTION FOR
STIPULATED
JUDGMENT**

CNMI DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE
CASE #: CAC 24-004

RECEIVED

BY: Jodyo, DATE: 11/7/24

FACTUAL BASIS

Pursuant to 3 CMC § 4525, in full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer. This participation requirement is also delineated in the Labor regulations, NMIAC § 80-20.1-210(a). The applicable percentage of the workforce participation is currently specified by the Labor at thirty percent, pursuant to NMIAC § 80-20.210(c)(3). (An exemption to 3 CMC § 4525 is provided for employers with fewer than five employees, under 3 CMC § 4526(a), and under NMIAC § 80-20.1-215(a)(3))

On August 1, 2024, a Notice of Warning was issued by the Labor Enforcement and Compliance Section notifying the Respondent that as result of the inspection and investigations conducted, the Respondent failed to meet the participation objective required under 3 CMC § 4525, and NMIAC § 80-20.1-210(a) and (c)(3). Specifically, a review of the Respondent's 2nd Quarter 2024 Total Workforce Listing submitted by the Respondent indicated that the workforce of 2 full time employees consisted of 2 CW workers and 0 U.S. workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 6 full time employees, the Respondent is required to have at least 1 status qualified workers within its workforce. The Respondent was informed that failure to comply or correct the Notice of Warning within ten days will result in the issuance of a Notice of Violation and a Compliance

Agency Case will be opened in accordance with NMIAC § 80-20.1-435, and NMIAC § 80-20.1-455(i), and that a fine of \$2,000.00 for each violation, sanctions, and other administrative remedies, including a denial of a Certificate of Good Standing, may result from such failure.

As a result of the above violations, a Determination and Notice of Violation was issued on August 21, 2024 and Compliance Agency Case (CAC No.24-003) was opened against the Respondent on August 21, 2024 for failure to meet the 30% status qualified workers in its total workforce.

AUTHORITY: By the authority of 3 CMC § 4941(b), the Labor may commence an action against an employer for alleged violation of the laws of the Commonwealth of the Northern Marianas Islands ("Commonwealth").

SKY CO., LTD VIOLATIONS

To fully resolve this Compliance Agency Case, Respondent acknowledges that Sky Co., Ltd failed to meet the 30% workforce participation requirement for the 2nd Quarter 2024 pursuant to NMIAC § 80-20.1-210(c)(3). Respondent does not contest the allegations and findings as articulated in the Labor Department's written determination issued on August 21, 2024, CAC No. 24-004, and as articulated in this Joint Motion for a Stipulated Judgement. Respondent further agrees to settle the case through a Stipulated Judgment issued by and approved by the Administrative Hearing Officer according to the terms herein and as approved by same.

TERMS OF SETTLEMENT

Respondent is hereby sanctioned the amount of \$2,000.00 for violation herein stated and Respondent does not contest the fine herein imposed. The amount of \$1,000.00 is hereby suspended on the following conditions:

1. Respondent pays the amount of \$1,000.00 in three installments of \$300.00 each, payable on Nov. 12, 2024, and second payment due on Nov. 26, 2024, third payment due on Dec. 10, 2024 and final payment of \$100.00 on or before December 31, 2024.
2. Respondent agrees not to commit any further violations of CNMI labor laws and regulations for a period of one year from the date of the Stipulated Judgment is entered.

In the event that Respondent fails to pay the \$1,000.00 in accordance with the payment plan above, Respondent shall be subjected to a penalty of \$25.00 late fee per day without the need for additional hearing, and the full amount of \$2,000.00 shall be immediately due.

Respondent shall obtain a voucher from the Administrative Hearing Office and provide the voucher to the CNMI Treasury with the payment. A receipt as proof of payment shall be promptly submitted to the Administrative Hearing Office. In the event that Respondent fails to make full payment of the \$1,000.00 by the second payment day, a daily penalty of \$25.00 will be assessed for each day that payment is not made.

The parties acknowledge and agree that the Administrative Hearing Office shall retain jurisdiction in order to enforce the terms of this agreement.

Kim Young In
Respondent (Print and Sign)

Nov 6th
Date

Julie Tabares
Complainant (Print and Sign)

11/6/24
Date



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

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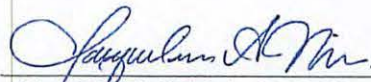
In Re Matter of:)	Enforcement Investigation No. 24-006-08
)	Compliance Agency Case No. 24-005
Department of Labor, Enforcement and Compliance,)	
)	
Complainant,	)	STIPULATED JUDGMENT
)	
v.)	
)	
Daniel Corporation,)	
)	
Respondent.)	
)	

On November 7, 2024, the parties filed a joint motion for stipulated judgment. Based on the filing and the applicable law, the undersigned finds:

1. The parties agree to a stipulated judgment against Respondent for a violation of the 30% workforce participation requirement under NMIAC §80-20.1-210 for the first quarter of 2024; and
2. The parties agree to the sanction of \$2,000 all suspended but for \$1,000 to be paid in accordance with the agreed payment plan, late fees, and acceleration fee.

Upon review, the undersigned finds that the terms of the stipulated judgment are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Joint Motion for Stipulated Judgment is approved and incorporated into this Stipulated Judgment.

So ordered this **8th** day of November, 2024.



JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ENFORCEMENT SECTION

In the Matter of:

Department of Labor, Enforcement and Compliance,

Complainant,

v.

Daniel Corporation

Respondent.

EIN NO: 24-006-08

CAC NO. 24-005

JOINT MOTION FOR STIPULATED JUDGMENT

CNMI DEPARTMENT OF LABOR ADMINISTRATIVE HEARING OFFICE

CASE #: CAC 24-005

RECEIVED

BY: Jodyo. DATE: 11/7/24

FACTUAL BASIS

Pursuant to 3 CMC § 4525, in full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer. This participation requirement is also delineated in the Labor regulations, NMIAC § 80-20.1-210(a). The applicable percentage of the workforce participation is currently specified by the Labor at thirty percent, pursuant to NMIAC § 80-20.210(c)(3). (An exemption to 3 CMC § 4525 is provided for employers with fewer than five employees, under 3 CMC § 4526(a), and under NMIAC § 80-20.1-215(a)(3))

On August 1, 2024, a Notice of Warning was issued by the Labor Enforcement and Compliance Section notifying the Respondent that as result of the inspection and investigations conducted, the Respondent failed to meet the participation objective required under 3 CMC § 4525, and NMIAC § 80-20.1-210(a) and (c)(3). Specifically, a review of the Respondent's 1st Quarter 2024 Total Workforce Listing submitted by the Respondent indicated that the workforce of 5 full time employees consisted of 4 CW workers and 1 U.S. workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 5 full time employees, the Respondent is required to have at least 2 status qualified workers within its workforce. The Respondent was informed that failure to comply or correct the Notice of Warning within ten days will result in the issuance of a Notice of Violation and a Compliance

Agency Case will be opened in accordance with NMIAC § 80-20.1-435, and NMIAC § 80-20.1-455(i), and that a fine of \$2,000.00 for each violation, sanctions, and other administrative remedies, including a denial of a Certificate of Good Standing, may result from such failure.

As a result of the above violations, a Determination and Notice of Violation was issued on August 21, 2024 and Compliance Agency Case (CAC No.24-003) was opened against the Respondent on August 21, 2024 for failure to meet the 30% status qualified workers in its total workforce.

AUTHORITY: By the authority of 3 CMC § 4941(b), the Labor may commence an action against an employer for alleged violation of the laws of the Commonwealth of the Northern Marianas Islands (“Commonwealth”).

DANIEL CORPORATION VIOLATIONS

To fully resolve this Compliance Agency Case, Respondent acknowledges that ^{Daniel} Co., failed to meet the 30% workforce participation requirement for the 1ST Quarter 2024 pursuant to NMIAC § 80-20.1-210(c)(3). Respondent does not contest the allegations and findings as articulated in the Labor Department’s written determination issued on August 21, 2024, CAC No. 24-005, and as articulated in this Joint Motion for a Stipulated Judgement. Respondent further agrees to settle the case through a Stipulated Judgment issued by and approved by the Administrative Hearing Officer according to the terms herein and as approved by same.

TERMS OF SETTLEMENT

Respondent is hereby sanctioned the amount of \$2,000.00 for violation herein stated and Respondent does not contest the fine herein imposed. The amount of \$1,000.00 is hereby suspended on the following conditions:

1. Respondent pays the amount of \$1,000.00 in three installments of \$300.00 each, payable on Nov. 12, 2024, and second payment due on Nov. 27, 2024, third payment due on Dec. 17, 2024 and final payment of \$100.00 on or before December 31, 2024.
2. Respondent agrees not to commit any further violations of CNMI labor laws and regulations for a period of one year from the date of the Stipulated Judgment is entered.

In the event that Respondent fails to pay the \$1,000.00 in accordance with the payment plan above, Respondent shall be subjected to a penalty of \$25.00 late fee per day without the need for additional hearing, and the full amount of \$2,000.00 shall be immediately due.

Respondent shall obtain a voucher from the Administrative Hearing Office and provide the voucher to the CNMI Treasury with the payment. A receipt as proof of payment shall be promptly submitted to the Administrative Hearing Office. In the event that Respondent fails to make full payment of the \$1,000.00 by the second payment day, a daily penalty of \$25.00 will be assessed for each day that payment is not made.

The parties acknowledge and agree that the Administrative Hearing Office shall retain jurisdiction in order to enforce the terms of this agreement.

Sun Ho, Kang
Respondent (Print and Sign)

11/06/24
Date

for Valerie Tebutek
Complainant (Print and Sign)

11/6/24
Date



CNMI DEPARTMENT OF LABOR



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In Re Matter of:)	Enforcement Investigation No. 24-003-08
)	Compliance Agency Case No. 24-006
Department of Labor, Enforcement and Compliance,)	
)	
Complainant,	)	STIPULATED JUDGMENT
)	
v.)	
)	
AbleSaipan Co., Ltd.)	
)	
Respondent.)	
)	

On November 7, 2024, the parties filed a joint motion for stipulated judgment. Based on the filing and the applicable law, the undersigned finds:

1. The parties agree to a stipulated judgment against Respondent for a violation of the 30% workforce participation requirement under NMIAC §80-20.1-210 for the first quarter of 2024; and
2. The parties agree to the sanction of \$2,000 all suspended but for \$1,000 to be paid in accordance with the agreed payment plan, late fees, and acceleration fee.

Upon review, the undersigned finds that the terms of the stipulated judgment are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Joint Motion for Stipulated Judgment is approved and incorporated into this Stipulated Judgment.

So ordered this 8th day of November, 2024.

Jacqueline A. Nicolas

JACQUELINE A. NICOLAS
 Chief Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ENFORCEMENT SECTION**

In the Matter of:)
)

Department of Labor, Enforcement and Compliance,)
)

Complainant,)
)

v.)
)

AbleSaipan Co., Ltd)
)

Respondent.)
)
_____)

EIN NO: 24-003-08

CAC NO. 24-006

**JOINT MOTION FOR
STIPULATED
JUDGMENT**

CNMI DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

CASE #: CAC 24-006

RECEIVED

BY: Sodugo DATE: 11/7/24

FACTUAL BASIS

Pursuant to 3 CMC § 4525, in full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer. This participation requirement is also delineated in the Labor regulations, NMIAC § 80-20.1-210(a). The applicable percentage of the workforce participation is currently specified by the Labor at thirty percent, pursuant to NMIAC § 80-20.210(c)(3). (An exemption to 3 CMC § 4525 is provided for employers with fewer than five employees, under 3 CMC § 4526(a), and under NMIAC § 80-20.1-215(a)(3))

On July 31, 2024, a Notice of Warning was issued by the Labor Enforcement and Compliance Section notifying the Respondent that as result of the inspection and investigations conducted, the Respondent failed to meet the participation objective required under 3 CMC § 4525, and NMIAC § 80-20.1-210(a) and (c)(3). Specifically, a review of the Respondent's 1st Quarter 2024 Total Workforce Listing submitted by the Respondent indicated that the workforce of 2 full time employees consisted of 2 CW workers and 0 U.S. workers. Pursuant to the statutory and regulatory requirements indicated herein, because the Respondent has a total of 2 full time employees, the Respondent is required to have at least 1 status qualified workers within its workforce. The Respondent was informed that failure to comply or correct the Notice of Warning within ten days will result in the issuance of a Notice of Violation and a Compliance

Agency Case will be opened in accordance with NMIAC § 80-20.1-435, and NMIAC § 80-20.1-455(i), and that a fine of \$2,000.00 for each violation, sanctions, and other administrative remedies, including a denial of a Certificate of Good Standing, may result from such failure.

As a result of the above violations, a Determination and Notice of Violation was issued on August 21, 2024 and Compliance Agency Case (CAC No.24-003) was opened against the Respondent on August 21, 2024 for failure to meet the 30% status qualified workers in its total workforce.

AUTHORITY: By the authority of 3 CMC § 4941(b), the Labor may commence an action against an employer for alleged violation of the laws of the Commonwealth of the Northern Marianas Islands (“Commonwealth”).

ABLESAIPAN CO. LTD VIOLATIONS

To fully resolve this Compliance Agency Case, Respondent acknowledges that ^{Able Saipan} Co., Ltd failed to meet the 30% workforce participation requirement for the 1ST Quarter 2024 pursuant to NMIAC § 80-20.1-210(c)(3). Respondent does not contest the allegations and findings as articulated in the Labor Department’s written determination issued on August 21, 2024, CAC No. 24-006, and as articulated in this Joint Motion for a Stipulated Judgement. Respondent further agrees to settle the case through a Stipulated Judgment issued by and approved by the Administrative Hearing Officer according to the terms herein and as approved by same.

TERMS OF SETTLEMENT

Respondent is hereby sanctioned the amount of \$2,000.00 for violation herein stated and Respondent does not contest the fine herein imposed. The amount of \$1,000.00 is hereby suspended on the following conditions:

1. Respondent pays the amount of \$1,000.00 in three installments of \$300.00 each, payable on Nov. 12, 2024, and second payment due on Nov. 26, 2024, third payment due on Dec. 10, 2024 and final payment of \$100.00 on or before December 31, 2024.
2. Respondent agrees not to commit any further violations of CNMI labor laws and regulations for a period of one year from the date of the Stipulated Judgment is entered.

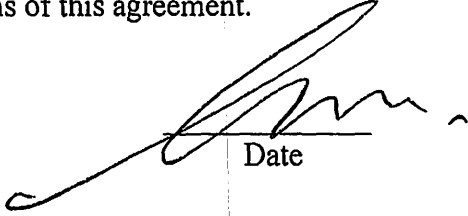
In the event that Respondent fails to pay the \$1,000.00 in accordance with the payment plan above, Respondent shall be subjected to a penalty of \$25.00 late fee per day without the need for additional hearing, and the full amount of \$2,000.00 shall be immediately due.

Respondent shall obtain a voucher from the Administrative Hearing Office and provide the voucher to the CNMI Treasury with the payment. A receipt as proof of payment shall be promptly submitted to the Administrative Hearing Office. In the event that Respondent fails to make full payment of the \$1,000.00 by the second payment day, a daily penalty of \$25.00 will be assessed for each day that payment is not made.

The parties acknowledge and agree that the Administrative Hearing Office shall retain jurisdiction in order to enforce the terms of this agreement.

DCS 010 - LEE

Respondent (Print and Sign)



Date

for *Julie Roberts*
Complainant (Print and Sign)

Date



CNMI DEPARTMENT OF LABOR



ADMINISTRATIVE HEARING OFFICE



In Re Matter of:	)	Labor Case No. 25-001
)	
Changcai Dong,)	
)	
Complainant,	)	ADMINISTRATIVE DECISION
	)	DISMISSING COMPLAINT FOR LACK
v.	)	OF JURISDICTION AND FAILURE TO
	)	SHOW CAUSE
Osman Gani Saipan Construction Services,)	
)	
Respondent.)	

Pursuant to 3 CMC § 4947(a), “the hearing officer may, after notice and an opportunity to be heard is provided to the parties, dismiss *sua sponte* a complaint that the hearing officer finds to be without merit.” Pursuant to NMIAC § 80-20.2-130(c), dismissal is warranted on the following grounds: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) insufficiency of process; (4) insufficiency of service of process; and (5) failure to state a claim upon which relief can be granted. *See also* NMIAC § 80-20.1-485(b).

On October 9, 2024, Complainant initiated a labor case against Respondent for unpaid wages, specifically hours worked not paid and overtime rate not paid from December 2019 to October 9, 2024. Upon review of the pleadings, the undersigned found: (1) a majority of Complainant’s allegations fall outside the six-month statute of limitations;¹ and (2) jurisdiction² cannot be established for the remaining claims because Complainant did not provide sufficient

¹ “No labor complaint may be filed more than six months after the date of the last-occurring event that is the subject of the complaint, except in cases where the actionable conduct was not discoverable upon the last-occurring event”. 3 CMC § 4962. “If a complaint is not timely filed, the hearing officer *shall* dismiss the complaint with prejudice.” NMIAC § 8020.1-465(e). Emphasis added.


² With respect to employment of foreign national workers, the Administrative Hearing Office has jurisdiction over “*all actions* involving alleged violations of the labor and wage laws of the commonwealth...” 3 CMC § 4942 (emphasis added); *see also* NMIAC § 80-20.1-450(b). Importantly, “[t]he Administrative Hearing Office does not have jurisdiction with respect to claims of tourists. Those claims are pursuant in the Commonwealth Superior Court.” NMIAC § 80-20.1-450(e); *see also* PL 15-108, § 2 (“It is the intent of the Legislature that this Act shall not apply to persons admitted to the Commonwealth as tourists, or to persons employed illegally...”).

1 documentation to show legal authorization to work in the CNMI during the relevant time period.
2 Accordingly, Complainant was ordered to show cause why the Complaint should not be dismissed
3 for lack of jurisdiction and failure to state a claim upon which relief can be granted. The Order to
4 Show Cause served as a notice of the deficiency in the complaint and provided Complainant an
5 opportunity to respond in writing.

6 Complainant did not provide a response to the Order to Show Cause that was due on or before
7 November 7, 2024. Accordingly, Complainant failed to show cause why the claims against
8 Respondent should not be dismissed for lack of subject matter jurisdiction and failure to state a
9 claim upon which relief can be granted. For that reason, the complaint lacks merit and dismissal
10 is appropriate. Pursuant to 3 CMC § 4947(a), this matter is hereby **DISMISSED**.

11 Any person or party aggrieved by this Order may appeal by filing the Secretary Appeal Form
12 and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of
13 this Order.

14 So ordered this **14th** day of November, 2024.



15 **JACQUELINE A. NICOLAS**
16 Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	Labor Case No. 25-002
)	
Mingcai Su,)	
)	
Complainant,	)	ADMINISTRATIVE DECISION
	)	DISMISSING COMPLAINT FOR LACK
v.)	OF JURISDICTION AND FAILURE TO
)	SHOW CAUSE
Osman Gani Saipan Construction Services,)	
)	
Respondent.)	

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Complainant did not provide a response to the Order to Show Cause that was due on or before November 7, 2024. Accordingly, Complainant failed to show cause why the claims against Respondent should not be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. For that reason, the complaint lacks merit and dismissal is appropriate. Pursuant to 3 CMC § 4947(a), this matter is hereby **DISMISSED**.

Any person or party aggrieved by this Order may appeal by filing the Secretary Appeal Form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.

So ordered this **14th** day of November, 2024.



JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer