

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

January 4, 2024

CHRISTANYA SYMPLICE,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00001
)	
NEW YORK CITY HEALTH AND HOSPITALS)	
CORPORATION D/B/A NYC)	
HEALTH + HOSPITALS,)	
Respondent.)	
_____)	

Appearances: Christanya Symplice, pro se Complainant
Sarah Arenas, Esq., for Respondent

ORDER LIFTING STAY OF PROCEEDINGS AND FOR STATUS REPORT

On October 6, 2022, Complainant, Christanya Symplice, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, New York City Health and Hospitals Corporation d/b/a NYC Health + Hospitals, discriminated against her on account of national origin and citizenship status, in violation of 8 U.S.C. § 1324b(a)(1), and engaged in document abuse, in violation of 8 U.S.C. § 1324b(a)(6). On November 29, 2022, Respondent filed an answer. On January 19, 2023, this Court held a telephonic prehearing conference and set a case schedule. On June 14, 2023, Respondent filed a motion for summary decision.

On August 23, 2023, this Court issued an order staying proceedings because the Court found itself “in a position wherein it [was] unable to execute [a] case disposition,” citing to *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381h, 2 n.4 (2021).¹

¹ Citations to OCAHO precedents subsequent to Volume 8 reflect the volume number and the case number of the particular decision, followed by any pinpoint citations to a specific page within the original issuances; the beginning page number of the case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

On October 5, 2023, Respondent filed a motion for a continuance, asking that the stay of proceedings remain in place until such time as the parties informed OCAHO of the outcome of negotiations between Respondent and the U.S. Department of Justice, Immigrant and Employee Rights Section (IER) regarding this matter. To date, neither party has filed a status report, settlement agreement, or motion to dismiss.

On October 12, 2023, the Department of Justice published an interim final rule providing for review by the Attorney General of OCAHO Administrative Law Judge final orders in cases arising under 8 U.S.C. § 1324b. *See* Office of the Chief Administrative Hearing Officer, Review Procedures, 88 Fed. Reg. 70586 (Oct. 12, 2023) (codified at 28 C.F.R. pt. 68). The regulation resolved the issue identified in *A.S. v. Amazon Web Servs., Inc.* that led to the stay. As a result of this change to the regulation, this Court may proceed to a final case disposition in this matter. Accordingly, the stay is lifted.

Respondent's request that the stay of proceedings remain in place was filed three months ago. Neither party has communicated with this Court regarding the negotiations referred to in Respondent's October 5, 2023, filing.

Given the lifting of the stay in this case and the indication that the parties, in conjunction with IER, were in active settlement negotiations in October 2023, the Court finds it appropriate to request a status report. *See United States v. Ron's Temp. Help Servs., Inc.*, 18 OCAHO no. 1496, 2 (2023); *United States v. Black Belt Sec. & Investigations, LLC*, 17 OCAHO no. 1456c (2023).

Within 14 days of this order, the parties shall file a joint status report that addresses the current status of settlement negotiations and, if the case has settled, what plans the parties have for leaving the forum.²

SO ORDERED.

Dated and entered on January 4, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² *See* <https://www.justice.gov/opa/pr/justice-department-secures-agreement-new-york-city-health-care-system-resolve-allegations>, "Justice Department Secures Agreement with New York City Health Care System to Resolve Allegations of Employment Discrimination" posted November 16, 2023, and including the settlement agreement with a reference to OCAHO Case No. 2023B00001.