

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

JOSE RAMON TORO,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00039
)	
BIOREFERENCE LABORATORIES,)	
Respondent.)	
)	

Appearances: Jose Ramon Toro, pro se Complainant
Sylvia Bokyoung St. Clair, Esq., for Respondent

ORDER OF DISMISSAL

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On January 31, 2023, Complainant Jose Ramon Toro filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting claims of discrimination, retaliation, and unfair documentary practices arising under 8 U.S.C. § 1324b against Respondent BioReference Health, LLC. On March 15, 2023, Respondent filed an Answer and a Motion to Dismiss the Complaint.

On December 8, 2023, Respondent filed a Notice of Settlement and Joint Motion to Dismiss with Prejudice and Without Costs. The parties write that they have “reached a full settlement agreement” and agree to dismissal of this action. The parties further request that the Court find that they have met the requirements of 28 C.F.R. § 68.14(a)(2),¹ and that the Court dismiss the case in its entirety with prejudice and without costs to any party. The parties did not attach a copy of their settlement agreement.

On December 26, 2023, the Court issued an Order Requiring Filing of Settlement Agreement, Toro v. BioReference Labs., 18 OCAHO no. 1511 (2023),² and on January 10, 2024, Respondent filed a Notice of Filing of Settlement Agreement.

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO

Where parties have entered into a settlement agreement, they shall notify the Administrative Law Judge (ALJ) that “the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” 28 C.F.R. § 68.14(a)(2). After reviewing the Notice of Settlement and Joint Motion to Dismiss, as well as the parties’ settlement agreement, the Court finds that dismissal with prejudice based on notice of settlement is appropriate.

Accordingly, the Joint Motion to Dismiss is GRANTED and this matter is DISMISSED WITH PREJUDICE. All remaining motions (Respondent’s March 21, 2023 Motion to Dismiss, June 26, 2023 letter to the Court requesting a prehearing conference continuance, and June 7, 2023 Request for Judicial Notice), are therefore DENIED as moot.

SO ORDERED.

Dated and entered on January 24, 2024.

Honorable John A Henderson
Administrative Law Judge

precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.