

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

October 9, 2024

EFRAIN INOCENCIO VEGA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00083
)	
)	
BFS ASSET HOLDINGS, LLC,)	
Respondent.)	
_____)	

Appearances: Cassandra Blake, Esq., Jamie Trinkle, Esq., and David Henretty, Esq. for Complainant
Jennifer Roeper, Esq. and Stephanie C. Generotti, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO DISMISS

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On August 22, 2023, Complainant Efrain Inocencio Vega filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting a claim of unfair documentary practices arising under 8 U.S.C. § 1324b against Respondent BFS Asset Holdings, LLC. Respondent timely filed an Answer.

On January 4, 2024, this Court referred this case to OCAHO’s Settlement Officer Program for 60 days. The Court designated Administrative Law Judge (ALJ) John Henderson as the settlement officer and stayed the case deadlines. At the request of ALJ Henderson and the parties, this Court extended the settlement officer period twice. The period ended on April 8, 2024. On May 8, 2024, the Court issued an Order Resetting Case Deadlines, setting a case schedule.

On October 7, 2024, the parties submitted a Joint Motion to Dismiss Complaint with Prejudice. In the Motion, the parties “jointly move for an order to dismiss the complaint with prejudice pursuant to 28 C.F.R. § 68.14(a)(2)” and indicate that they “have reached a full settlement of the issues raised in the Complaint.” Joint Mot. Dismiss 1. The parties “agree to dismissal of this

action . . . with prejudice.” *Id.* Both parties signed the motion, but did not attach their agreement.

Under 28 C.F.R. § 68.14(a)(2), when the parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement agreement and 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.”

Here, the Court exercises its discretion and declines to require the filing of the parties’ settlement agreement. *See, e.g., United States v. Chilitto Pikin, LLC*, 18 OCAHO no. 1486c, 4-5 (2024) (granting dismissal with prejudice without requiring the filing of the settlement agreement when the parties were represented, had actively participated in the matter, and settled following participation in the Settlement Officer Program); *United States v. Dilligas Corp.*, 19 OCAHO no. 1526, 3 (2024). Both parties were represented, diligently participated in the matter, and now indicate that they have reached a full settlement after participating in OCAHO’s Settlement Officer Program.

Because the parties have jointly requested dismissal with prejudice and complied with the regulatory requirements for dismissal, the case is hereby DISMISSED with prejudice.

SO ORDERED.

Dated and entered on October 9, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Attorney General. Provisions governing the Attorney General's review of this order are set forth at 28 C.F.R. pt. 68. Within sixty days of the entry of an Administrative Law Judge's final order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

Any person aggrieved by the final order has sixty days from the date of entry of the final order to petition for review in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business. See 8 U.S.C. § 1324b(i)(1); 28 C.F.R. § 68.57. A petition for review must conform to the requirements of Rule 15 of the Federal Rules of Appellate Procedure.