

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

ALI TALEBINEJAD,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00002
)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
Respondent.)	
)	

Appearances: John McGivney, Esq., and David B. Stanhill, Esq., for Complainant
Antonio Morello, Esq., Leon Rodriguez, Esq., and Edward North, Esq., for
Respondent

ORDER REFERRING CASE TO SETTLEMENT OFFICER PROGRAM

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On October 13, 2022, Complainant Ali Talebinejad, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting claims of discrimination and retaliation in violation of 8 U.S.C. § 1324b against Respondent Massachusetts Institute of Technology (MIT). Respondent filed its answer on December 28, 2022. On February 8, 2023, Respondent filed a Motion to Dismiss, and on November 17, 2023, the Court granted a stay of proceedings pending resolution of the Motion to Dismiss, and held in abeyance the parties' request for referral to OCAHO's Settlement Officer Program. Talebinejad v. MIT, 17 OCAHO no. 1464c (2023).¹

On October 29, 2024, the Court issued an Order on Motion to Dismiss, in which it granted in part and denied in part Respondent's motion.

¹ Citations to OCAHO precedents in bound volumes 1 through 8 include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database "FIM-OCAHO," the LexisNexis database "OCAHO," and on the United States Department of Justice's website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

On November 14, 2024, the parties filed their Renewed Joint Request of Complainant Ali Talebinejad and Respondent Massachusetts Institute of Technology for Referral to a Settlement Officer for Mediation and to Stay Proceedings for 120 Days.

II. DISCUSSION

Both parties consented in writing to referral to the Settlement Officer Program through their Renewed Joint Request.² Pursuant to Director McHenry's August 3, 2020 Policy Memorandum, a presiding Administrative Law Judge may make a referral to the Settlement Officer Program upon written consent of both parties. Having received this written consent, and with Respondent's Motion to Dismiss now resolved, the undersigned finds referral of this case to the Settlement Officer Program appropriate. The Court therefore ORDERS that the matter be referred to the Settlement Officer Program for a period of 60 days, beginning on December 9, 2024, and continuing through February 7, 2025.

The Court designates the Honorable Andrea Carroll-Tipton as the Settlement Officer for this case. Should the parties reach a settlement, they shall inform the undersigned of such settlement and provide the appropriate filing. *See* 28 C.F.R. § 68.14.³

During the referral period, these proceedings will be stayed, and as such, the Court declines to grant the parties' request to stay the proceedings for 120 days. However, upon conclusion of the referral period, should the parties still so desire, they may renew their request for an additional stay of proceedings.

SO ORDERED.

Dated and entered on December 3, 2024.

Honorable John A. Henderson
Administrative Law Judge

² Policy Memorandum 20-16, Section II.A.1 (Aug. 3, 2020) ("The presiding ALJ may refer a case to a settlement officer upon receipt of written confirmation of consent to referral from each party in the case and, subject to 5 U.S.C. § 572(b) and Section I.C.3 of this PM, determination by the presiding ALJ that this case is appropriate for referral.").

³ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).