

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00048
	)	
WALGREENS,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Eric S. Bord, Esq. and Eric L. Mackie, Esq., for Respondent

ORDER GRANTING JOINT STIPULATION OF DISMISSAL

I. BACKGROUND

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant US Tech Workers filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent Walgreen discriminated on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). Respondent filed its Answer to the Complaint and a Motion to Dismiss on April 29, 2024.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. Complainant filed a response to Respondent's Motion to Dismiss on May 14, 2024.

On November 4, 2024, the parties filed a joint Stipulation of Dismissal With Prejudice, Pursuant to 28 C.F.R. § 68.14(a)(2), along with a proposed order granting the stipulation.

II. DISCUSSION

Following 28 C.F.R. § 68.14(a)(2),<sup>1</sup> upon entering into a settlement agreement the parties may seek dismissal of the action by notifying the Administrative Law Judge that they “have reached a full settlement and have agreed to the 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.”

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<sup>1</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

In the matter presently before the Court, the parties' joint Stipulation of Dismissal does not indicate whether a settlement agreement was reached, nor does it include a copy of an executed settlement agreement. Notwithstanding these omissions, the Court determines that the circumstances still support dismissal of this matter with prejudice. Both parties are represented by counsel, and the language of the stipulation indicates the parties intend for a dismissal to foreclose any legal action arising from the claims in the Complaint. Accordingly, the Court finds the requirements of 28 C.F.R. § 68.14(a)(2) have been met and that review of any settlement agreement would be unnecessary. *Cf. United States v. El Camino*, 18 OCAHO no. 1479d, 2 (2023) (declining to require filing of settlement agreement where the parties were both represented and had actively participated in the case) *with Toro v. Bioreference Labs.*, 18 OCAHO no. 1511 (2023) (requiring filing of settlement agreement where complainant was pro se).<sup>2</sup> The Stipulation of Dismissal is therefore GRANTED, and the Complaint is DISMISSED WITH PREJUDICE.

As a result of the dismissal, Respondent's pending Motion to Dismiss and Complainant's pending Motion to Consolidate and for Leave to File a Consolidated Amended Complaint are DENIED AS MOOT.

### III. ORDERS

The parties' joint Stipulation of Dismissal is GRANTED.

The Complaint is DISMISSED WITH PREJUDICE.

Respondent's Motion to Dismiss and Complainant's Motion to Consolidate and for Leave to File a Consolidated Amended Complaint are DENIED AS MOOT.

SO ORDERED.

Dated and entered on December 11, 2024.

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Honorable John A. Henderson  
Administrative Law Judge

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<sup>2</sup> 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 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 <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.