

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

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	OCAHO Case No. 2024A00029
	)	
THE METRO GROUP, INC.,	)	
Respondent.	)	
	)	

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Appearances: David Shteingart, Esq., for Complainant  
Mikhail Ratner, Esq., for Respondent

FINAL ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On January 2, 2024, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). The complaint alleges that Respondent, The Metro Group, violated 8 U.S.C. § 1324a(a)(1)(B), by failing to prepare and/or present the employment eligibility verification form (Form I-9) for 157 individuals, and failing to ensure that the employees properly completed Section 1 and/or failing to properly complete Section 2 or 3 of the Form I-9 for fifteen individuals. Respondent filed its Answer on March 19, 2024.

On June 24, 2024, the Court referred this case to the Settlement Officer Program for a period of 60 days. That referral period expired on September 24, 2024.

The parties filed a Stipulation of Settlement and Dismissal, with their settlement agreement attached, on December 16, 2024.

## II. LEGAL STANDARDS

Under 28 C.F.R. § 68.14(a)(1)-(2), when “the parties . . . have entered into a settlement agreement” they shall “[s]ubmit to the presiding Administrative Law Judge: [t]he agreement containing consent findings; and [a] proposed decision and order,” or “[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action.” If the parties agree to dismissal through consent findings, they must agree:

- (1) That the decision and order based on consent findings shall have the same force and effect as a decision and order made after full hearing;
- (2) that the entire record on which any decision and order may be based shall consist solely of the complaint; notice of hearing; and any other such pleadings and documents as the Administrative Law Judge shall specify;
- (3) A waiver of any further procedural steps before the Administrative Law Judge
- (4) A waiver of any further right to challenge or contest the validity of the decision and order entered into in accordance with the agreement.

28 C.F.R. 68.14(b).

28 C.F.R § 68.14(c) explains that when parties submit “an agreement containing consent findings and an interim decision and order . . . the Administrative Law Judge . . . may, if satisfied with its timeliness, form, and substance, accept such agreement by entering a decision and order based upon the agreed findings.”

## III. DISCUSSION

Here, the parties have opted to submit consent findings. The Court finds that the parties’ filings substantially conform to 28 C.F.R. §§ 68.14(a)(1) and 68.14(b). The parties agree that “this Order will be a final and unappealable Order[.]” Stip. Settlement 1. Additionally, the parties indicate that “the entire record on which the Decision and Order is based consists of the Complaint and documents attached thereto by Complainant, the Answer by Respondent and any other documents that may have been filed by the parties.” *Id.* In keeping with regulatory requirements, the parties also “waive the right to contest the validity of the Decision and Order entered into in accordance with the agreement” and agree that “the Final Order shall have the same force and effect as Order made after a full hearing.” *Id.* at 2.

Paragraph 1 of the parties' motion for a Stipulation of Settlement states that the Court's anticipated order "will be a final and unappealable Order pursuant to Section 274A(e)(3)(B) of the Act." Stip. Settlement 1. The Court interprets this request as the parties imposing upon themselves a restriction on their ability to appeal, rather than the Court entering an order which forecloses the possibility of appeal. This distinction might appear slight, but it is meaningful.

As the Respondent requested a hearing before this Court, administrative review by the Chief Administrative Hearing Officer (the CAHO) and the Attorney General is always available, as explained at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. While the parties may waive their ability to seek appeal, this Court is not empowered to remove the CAHO or Attorney General's right to review its final orders in an 8 U.S.C. §1324a proceeding.

However, the Court is satisfied with the timeliness, form, and substance of the parties' Settlement Agreement. Apart from the language regarding "a final and unappealable Order pursuant to Section 274A(e)(3)(B) of the Act," the Court GRANTS the parties' Stipulation of Settlement and Dismissal and accepts the parties' Settlement Agreement as the Court's findings in the case, incorporating the findings by reference.

The Court finds the record in this case includes the following:

1. Complaint and attached exhibits
2. Notice of Case Assignment for Complaint Alleging Unlawful Employment
3. Motion for Extension to File an Answer
4. Order on Motion for Extension
5. Respondent's Answer to Complaint Regarding Unlawful Employment and Exhibits
6. Complainant's E-Filing Form
7. Respondent's E-Filing Form (Mikhail Ratner)
8. Respondent's E-Filing Form (Nicholas H. Widman)
9. Order on Electronic Filing
10. Order Setting Prehearing Conference and General Litigation Order
11. Complainant's Initial Prehearing Statement
12. Respondent's Initial Prehearing Statement
13. Order Summarizing Prehearing Conference and Referring Case to Settlement Officer Program
14. Order Extending Settlement Officer Program Referral
15. Order for Status Report and Scheduling Status Conference
16. Joint Status Report
17. Stipulation of Settlement and Dismissal with Settlement Agreement

Based upon the record and the terms of the Stipulation and Settlement Agreement, the Court finds that Respondent is liable for violations of 8 U.S.C. § 1324a. All relief sought in the

parties' Settlement Agreement is GRANTED. Each party will perform the promises undertaken in the Settlement Agreement, and each will bear its own costs, attorney's fees, and other expenses, as provided in paragraph 20 of the parties' Settlement Agreement.

It is hereby ORDERED that Respondent shall pay a civil money penalty of \$110,000.00 for the admitted violations as agreed in paragraph 4 of the parties' Settlement Agreement.

The Final Order of Dismissal shall have the same force and effect as a decision and order made after a full hearing.

This Final Order of Dismissal is the final order of the Administrative Law Judge in accordance with 28 C.F.R. § 68.52, and will become the final agency order unless vacated or modified by the Chief Administrative Hearing Officer, as provided in 28 C.F.R. § 68.54 or referred to the Attorney General pursuant to 28 C.F.R. § 68.55.

SO ORDERED.

Dated and entered on December 30, 2024.

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Honorable John A. Henderson  
Administrative Law Judge

### Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such 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.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.