

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

ZAJI O. ZAJRADHARA,
Complainant,

v.

VIZION INSURANCE CO. LTD.,
Respondent.

8 U.S.C. § 1324b Proceeding
OCAHO Case No. 2025B00011

Appearances: Zaji O. Zajradhara, pro se Complainant
Michael W. Dotts, Esq., for Respondent

FINAL ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on October 16, 2024, against Respondent Vizion Insurance Co., Ltd., alleging that Respondent violated 8 U.S.C. § 1324b by discriminating against him based on citizenship status and national origin by failing to hire him. Compl. 8. The parties have filed a motion to dismiss.

On October 29, 2024, the Chief Administrative Hearing Officer (CAHO) sent the parties the Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the Complaint which was received by Respondent on November 8, 2024.

The NOCA informed Respondent that its answer was due within thirty days after receipt of the complaint, making its answer deadline December 9, 2024.¹ Respondent did not file an Answer.

¹ This date accounts for the fact that the default answer deadline would have fallen on Sunday, December 8, 2024. See 28 C.F.R. § 68.8(a).

This Court issued an Order to Show Cause on January 8, 2025, ordering Respondent to file an answer and to demonstrate good cause for its failure to timely file an answer. *See Zajradhara v. Vizion Insurance Co. Ltd.*, 21 OCAHO no. 1629 (2025). On February 11, 2025, Respondent filed an Answer, a Response to the Order to Show Cause, and a Declaration from the Operation Manager at Vizion Insurance Company Ltd indicating that it intended to respond, but due to the holidays and lack of familiarity with the venue, Respondent mistakenly did not respond. *Id.* at 2.

On February 25, 2025, the parties filed a Stipulated Dismissal and Joint Request to Dismiss Case. In the filing, the parties made a “joint request . . . to dismiss the . . . case in its entirety and with prejudice,” stating that “all parties shall bear their own attorneys fees and costs.” Stip. Dismissal 1. The parties explain that after conferring, “Complainant [voluntarily] advised that he had decided not to proceed with his claim,” and Respondent offered no consideration or promises in exchange. *Id.* “Complainant maintains he asserted a valid claim,” while “Respondent maintains that it did not violate any law, that it has no liability . . . and stands by its Answer.” *Id.* at 2. Complainant included a handwritten note stating that he is “dismissing this case out of respect to” Respondent’s counsel who has previously assisted his family. *Id.* Complainant signed the filing, as did Respondent’s counsel.

II. LEGAL STANDARDS AND DISCUSSION

OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024),² do not directly address voluntary dismissal upon motion from the Complainant. *United States v. La Parisienne Bakery, LLC*, 15 OCAHO no. 1390a, 2 (2021). OCAHO’s Administrative Law Judges, instead, look to the Federal Rules of Civil Procedure, which OCAHO may use “as a general guideline in any situation not provided for or controlled by” OCAHO’s Rules, “the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation.” 28 C.F.R. § 68.1. Federal Rule of Civil Procedure 41(a)(1)(A)(i)-(ii) allows dismissal “without a court order by filing” either “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or a stipulation of dismissal signed by all parties who have appeared.” “Unless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. R. 41(a)(1). After an answer or motion for summary judgment are filed, Federal Rule of Civil Procedure 41(a)(2) allows courts to dismiss a complaint at the request of plaintiffs by court order, “on terms that the court considers proper.”

OCAHO case law makes clear that a joint dismissal filing from the parties seeking voluntary dismissal under Federal Rule 41(a)(1)(A)(ii) rather than Federal Rule 41(a)(2) should clearly style any dismissal filing “as an agreed stipulation,” rather than “a joint motion to dismiss.” *United States v. Sal’s Lounge*, 15 OCAHO no. 1394d, 4 (2023). The Ninth Circuit Court of Appeals, in which this case arises, has stated that the requirements of Federal Rule

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO’s webpage on the United States Department of Justice’s website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

41(a)(1)(A)(ii) “may be met either by filing a written stipulation or by making an oral stipulation in open court.” *Carter v. Beverly Hills Sav. and Loan Ass’n*, 884 F.2d 1186, 1191 (9th Cir. 1989). The filing should clearly indicate the parties’ intention to dismiss the action. *Id.*

Here, although an Answer has been filed, it has not been accepted by the Court, and the parties have submitted a filing clearly labeled a “Stipulated Dismissal and Joint Request to Dismiss Case” which has been signed by both parties and that clearly indicates the parties’ mutual intention “to dismiss the . . . case in its entirety and with prejudice.” Stip. Dismissal 1. Moreover, the stipulation makes clear that Complainant voluntarily decided to dismiss the case without any consideration or promises from Respondent. The parties also state that each party will bear their own attorneys fees and costs. *Id.* The parties have fulfilled the requirements of Federal Rule of Civil Procedure 41(a)(1)(ii). A dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii) is self-executing, i.e. it is effective when the notice is filed. *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir.1997).

Therefore, because the parties have indicated that they are dismissing the case with prejudice, the Court notes for the record that the case is DISMISSED WITH PREJUDICE. Fed. R. Civ. R. 41(a)(1)(B); see *Y.Y. v. Zuora, Inc.*, 15 OCAHO no. 1402c, 5 (2022).

SO ORDERED.

Dated and entered on March 5, 2025.

Honorable Jean C. King
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.