

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

CENK OZER,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2025B00012
	)	
AIR TRANSPORT INTERNATIONAL,	)	
Respondent.	)	
	)	

---

Appearances: Cenk Ozer, pro se Complainant  
Benjamin P. Fryer, Esq., and Meron E. Squires, Esq., for Respondent<sup>1</sup>

### ORDER GRANTING COMPLAINANT’S MOTION FOR STAY

#### 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 21, 2024, Complainant Cenk Ozer filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent Air Transport International. Complainant alleges Respondent discriminated against him on the basis of his citizenship status, retaliated against him, and asked for more or different documents than required for the employment eligibility verification process, in violation of 8 U.S.C. §§ 1324b(a)(1)(B), (a)(5), and (a)(6).

On January 15, 2025, Complainant filed an Expedited Motion for Military Leave (Motion for Stay). Through the motion, Complainant requests the Court stay the current proceedings while he serves on active military duty with the U.S. Army Washington National Guard. Mot. Stay 1. Complainant attached a memorandum issued by the Department of the Army stating Complainant will be on active military duty from January 28, 2025, through September 1, 2025. Mot. Stay 2.

On January 16, 2025, the Court issued an Order on Electronic Filing & Setting Deadline to Respond to Complainant’s Motion for Stay. Through the order, the Court gave Respondent until

---

<sup>1</sup> Meron E. Squires filed a Notice of Appearance for Respondent on January 15, 2025; however, the Court has not yet received an electronic filing registration form from her. The Court will issue this Order to her electronically as a courtesy, but requests that she submit a registration form to submit and receive filings electronically in this matter.

January 20, 2025, at 9am EST to respond to the motion. The following day, on January 17, 2025, Respondent filed a Response to Expedited Motion for Stay, through which it indicated it was unopposed to the stay of proceedings.

## II. STAY OF PROCEEDINGS

Pursuant to 28 C.F.R. § 68.28(a),<sup>2</sup> “the Administrative Law Judge shall have all appropriate powers necessary to conduct fair and impartial hearings,” which “includes the power to issue stays of proceedings.” Gulcu v. Fraunhofer USA, 19 OCAHO no. 1560, 2 (2024) (citing United States v. Black Belt Sec. & Investigations, 17 OCAHO no. 1456b, 2 (2023) (citation omitted)).<sup>3</sup> “The issuance of a stay ‘calls for the exercise of judgment, which must weigh competing interests and maintains an even balance,’ and ‘should not be granted absent a clear bar to moving ahead.’” Id. (quoting Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (internal citations and quotes omitted)).

The Court finds that a stay of proceedings is appropriate in this circumstance. Complainant, who is proceeding pro se, will presumably be unable to litigate his claim while on active military duty. And since Respondent has consented to the stay of proceedings, no prejudice will result from a stay. Accordingly, Complainant’s Motion for Stay is GRANTED and the proceedings are STAYED until September 1, 2025. The prehearing conference originally scheduled for February 18, 2025, is cancelled. Once Complainant returns from military duty, the parties shall meet and confer regarding new potential dates and times for the initial prehearing conference.

## III. ORDERS

Complainant’s Motion for Stay is GRANTED.

The proceedings are STAYED until September 1, 2025.

---

<sup>2</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

<sup>3</sup> Citations to OCAHO precedents in bound volumes one through eight 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>.

IT IS ORDERED that upon Complainant's return from active military duty, the parties shall meet and confer regarding new potential dates and times for an initial prehearing conference.

SO ORDERED.

Dated and entered on January 23, 2025.

---

Honorable John A. Henderson  
Administrative Law Judge