

8 U.S.C. § 1324b Proceeding
OCAHO Case No. 2026B00033

When parties have entered into a settlement agreement, they may seek dismissal by “[n]otif[y]ing the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action.” 28 C.F.R. § 68.14(a)(2). “Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” *Id.*

The parties' motion does not indicate whether they seek dismissal with prejudice or without prejudice. Consequently, the Court reviews the parties' submissions in these proceedings, including their settlement agreement, to determine their intent. *See United States v. Chinese Backrub d/b/a Chinese Massage*, 17 OCAHO 1452, 1 (2022); *Tingling v. City of Richmond, VA*, 13 OCAHO No. 1324e, 2 (2021).

The Court determines that settlement with prejudice reflects the parties' intent in these proceedings. The settlement agreement—in particular, the general release subsection of the agreement—as well as the parties' representations during the Prehearing Conference, strongly suggests that the parties seek a final resolution of these proceedings. The Court finds that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2), and consequently the Motion to Dismiss is GRANTED, and this case is DISMISSED with prejudice.

SO ORDERED.

Dated and entered on June 30, 2026.

Honorable John A. Henderson
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.