

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

December 21, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2022A00047
EL VAJIO, LLC,)	
Respondent.)	
_____)	

Appearances: Matthew Brunkhorst, Esq., for Complainant
Carlos Recio, Esq., for Respondent

ORDER OF DISMISSAL

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On June 8, 2022, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, El Vajio, LLC, failed to ensure proper completion of Forms I-9 for thirty individuals, and failed to present Forms I-9 for five individuals, both in violation of 8 U.S.C. § 1324a(a)(1)(B). On July 25, 2022, Respondent, through counsel, filed its answer.

The case was referred to the OCAHO Office of Settlement Program on September 1, 2022. On December 20, 2022, the parties filed a Notice of Settlement and Joint Motion to Dismiss. The parties informed the Court that they reached a full settlement and seek dismissal of this matter without prejudice, pursuant to 28 C.F.R. § 68.14(a)(2).¹ The parties did not attach the settlement agreement.

Per 28 C.F.R. § 68.14(a)(2), when the parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement agreement and agreed to 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.”

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

The Court finds that the parties' Notice of Settlement and Joint Motion to Dismiss complies with the requirements of 28 C.F.R. § 68.14(a)(2). While the Court may require filing of the settlement agreement, the Court declines to require such a filing in this case. *See* 28 C.F.R. § 68.14(a)(2).

Because the parties have jointly requested dismissal and complied with the regulatory requirements for dismissal, the Notice of Settlement and Joint Motion to Dismiss is GRANTED and the case is hereby DISMISSED without prejudice.

SO ORDERED.

Dated and entered on December 21, 2022.

Honorable Jean C. King
Chief Administrative Law Judge