

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

May 19, 2023

ANDREW EWOMA EHERE,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022B00057
)	
HAWAIIUSA FEDERAL CREDIT UNION,)	
Respondent.)	
_____)	

Appearances: Andrew Ewoma Ehere, pro se Complainant
Kendra Kawai, Esq. and D. Elliot Gonzalez, Esq., for Respondent

ORDER REFERRING CASE TO SETTLEMENT OFFICER PROGRAM

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Andrew Ewoma Ehere, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on September 20, 2022. Complainant alleges that Respondent, HawaiiUSA Federal Credit Union, discriminated against him based on his national origin and citizenship status in violation of 8 U.S.C. § 1324b(a)(1), and engaged in unfair immigration-related documentary practices, in violation of 8 U.S.C. § 1324b(a)(6).

On March 8, 2023, the Court held a prehearing conference during which it explained the Settlement Officer Program.¹ See Order Summarizing Prehr’g Conf. Both parties expressed interest. *Id.* at 1–2.

On April 9, 2023, Complainant filed a “Motion of Confirmation of Consent to Refer Complaint to OCAHO Settlement Officer Program.” In a May 2, 2023 order, the Court explained that both parties must submit written consent to refer the case, and directed Respondent to submit a written filing clarifying its interest in the Program. *Ehere v. HawaiiUSA Fed. Credit Union*, 17 OCAHO

¹ See <https://www.justice.gov/eoir/page/file/1300746/download>; see also <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7>.

no. 1471b, 2–3 (2023).² On May 15, 2023, Respondent filed its Response to Settlement Officer Program, stating that it was “interested in participating in the Settlement Officer Program.” Pursuant to Director McHenry’s August 3, 2020 EOIR Policy Memorandum 20-16, a presiding administrative law judge may make a referral to the Settlement Officer Program upon written consent of both parties.³ Having received written consent from both parties, the Court ORDERS that this matter be referred to the Settlement Officer Program for a period of sixty days, beginning May 23, 2023. All proceedings are STAYED during the referral period. OCAHO shall distribute copies of the Settlement Officer Program’s rules to the parties with this Order.

The Court designates the Honorable John Henderson, Administrative Law Judge, as the Settlement Officer for this case. Should the parties reach a settlement, they shall inform the ALJ of such settlement and provide the appropriate filing. *See See* 28 C.F.R. § 68.14.⁴

SO ORDERED.

Dated and entered on May 19, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, *seriatim*, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet 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 in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

³ PM 20-16 also states that in cases in which a party appears *pro se*, an ALJ may use discretion to refer the case to a settlement officer notwithstanding the party’s *pro se* status if the *pro se* party has been “fully informed about the settlement officer procedure and have consented to its use.” *See* <https://www.justice.gov/eoir/page/file/1300746/download>. The undersigned finds that Complainant, who is appearing *pro se*, has been fully informed about the Settlement Officer Program through the March 8, 2023 telephonic prehearing conference and subsequent Order Summarizing Prehearing Conference.

⁴ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).