

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

May 2, 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 ON COMPLAINANT’S MOTION ON INITIAL DISCLOSURE SUBMISSION AND
REQUEST TO ENTER SETTLEMENT OFFICER PROGRAM

I. BACKGROUND

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. On October 27, 2022, Respondent filed an answer.

On November 2, 2022, the Court issued an Order for Prehearing Statements. The Court directed each party to file a prehearing statement and “simultaneously with its prehearing statement, make its initial disclosure of documentary evidence to the other party without waiting for a formal discovery request to be made.” Order for Prehearing Statements 3. The Court explained that copies of any exhibits listed in the parties’ preliminary exhibit lists were “to be disclosed to the other party, not to this Court.” *Id.*

On March 6, 2023, Complainant e-filed his initial disclosures with the Court. For reasons outlined in a separate order, the Court rejected this filing on March 28, 2023. *See Ehere v. HawaiiUSA Fed. Credit Union*, 17 OCAHO no. 1471a, 2 (2023).

On March 8, 2023, the Court held a telephonic prehearing conference pursuant to 28 C.F.R. § 68.13. During this conference, the Court discussed OCAHO's Settlement Officer Program, and both parties expressed interest. *See* Order Summ'g Prehr'g Conf. 1–2.

Presently before the Court are Complainant's March 30, 2023 Motion to Consider Amended Initial Disclosures and April 9, 2023 Motion of Confirmation of Consent to Refer Complaint to OCAHO Settlement Officer Program.

II. MOTION TO CONSIDER AMENDED INITIAL DISCLOSURES

On March 30, 2023, Complainant re-filed with the Court and served on opposing counsel his initial disclosures, without attaching copies of the exhibits listed in his preliminary exhibit list. Complainant requests that the Court consider these Amended Disclosures.

To the extent that Complainant requests through his written motion that the Court consider his Amended Disclosures, the Court GRANTS his motion. However, the Court reminds both parties that the disclosures shall be considered only for the limited purpose of demonstrating compliance with the Court's November 2, 2022 Order for Prehearing Statements. *See* Order for Prehr'g Statements 3 (directing the parties to make initial disclosures of documentary evidence "to the other party," not the Court).

III. MOTION FOR SETTLEMENT OFFICER PROGRAM¹ REFERRAL

Complainant also moves the Court for "confirmation of [c]onsent to refer the Complaint . . . to the OCAHO Settlement Officer Program." C's Mot. Confirm. Consent 1. Both parties must submit written consent to refer this case to the Program.²

Here, the filing provided only demonstrates Complainant's consent to enter the Program, not Respondent's consent to enter the Program. Consequently, the Court cannot refer this matter to the Settlement Officer Program.

¹ The Settlement Officer Program is a no-cost, voluntary alternative dispute resolution program.

² Further details are available at: <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7>; *see also* EOIR Policy Memorandum 20-16 describing the policies and procedures for use of settlement officers in OCAHO cases (<https://www.justice.gov/eoir/page/file/1300746/download>). The Court has attached copies of these materials to this order as a courtesy.

In order to effectively manage judicial resources (and bearing in mind the Complainant's pro se status), the Court now ORDERS Respondent to submit a short, written filing to clarify its interest in participating in the Settlement Officer Program at this time. This filing is due within 14 calendar days of the date contained in the Certificate of Service for this Order.

A decision to decline participation in the Program does not preclude parties from participating in the Program in the future. As a courtesy reminder, parties may request the Court refer the case to a settlement officer at any time while proceedings are pending, up to thirty days before a scheduled hearing date.

SO ORDERED.

Dated and entered on May 2, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge