

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

June 4, 2024

ARTIT WANGPERAWONG,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00007
)	
META PLATFORMS, INC.,)	
Respondent.)	
_____)	

Appearances: Artit Wangperawong, pro se Complainant
Eliza A. Kaiser, Esq., Matthew S. Dunn, Esq., and Amelia B. Munger, Esq., for Respondent

ORDER REFERRING CASE TO SETTLEMENT OFFICER PROGRAM

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324b.

On October 3, 2023, Complainant, Artit Wangperawong, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Meta Platforms, Inc., alleging discrimination and retaliation, in violation of 8 U.S.C. §§ 1324b(a)(1) and (a)(5). Presently, only Complainant’s claim of citizenship status discrimination based on his termination remains.¹

On January 9, 2024, the Court held a telephonic initial prehearing conference. *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510b, 1 (2024).² During the conference, the Court discussed

¹ See *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510c (2024); *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510d (2024); *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510e (2024).

² 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>.

OCAHO’s Settlement Officer Program. *Id.* at 1 n.2 (citing OCAHO Practice Manual, Chapter 4.7 (March 13, 2023); and then citing EOIR Policy Memorandum 20-16 (August 3, 2020)).

On May 29, 2024, the parties filed a Joint Motion for and Consent to Referral to Settlement Officer Program requesting the Court refer this matter to the Settlement Officer Program pursuant to EOIR Policy Memorandum 20-16. Joint Motion Consent Referral Settlement Officer Prog. 1. The parties “agree to engage in settlement negotiations in good faith,” and Complainant “acknowledges that he is pro se and further acknowledges that he is fully informed regarding the Settlement Officer Program’s procedures . . . and consents to their use.” *Id.* at 2. Finally, the parties request all deadlines be stayed, as this “would allow the Parties to focus their efforts in good faith on a resolution of the matter.” *Id.* If the parties do not settle through the Program, they “will submit a Proposed Joint Revised Discovery Schedule within 10 days from exiting the Program.”

Pursuant to Director McHenry’s August 3, 2020 EOIR Policy Memorandum 20-16,³ a presiding ALJ may make a referral to the Settlement Officer Program upon written consent of both parties, and upon determination that the case is appropriate for referral. Pol’y Memo. 20-16 Sec. II.A. The Policy Memorandum also provides that in cases where a party is appearing pro se, an ALJ may use discretion to refer a case to the Settlement Officer Program notwithstanding the pro se status “if all pro se parties have been fully informed about the settlement officer procedure and have consented to its use.” *Id.* Sec. I.C.2. Here, both parties have consented to referral in writing, and both parties consider themselves “fully informed about the settlement officer procedure.” *Id.* The Court finds this matter is appropriate for referral.

The Court now ORDERS this matter be referred to the Settlement Officer Program for a period of sixty days, beginning June 6, 2024 through August 5, 2024. All proceedings are STAYED during the referral period. If the parties do not reach a settlement through the Settlement Officer Program, the Court will set a revised case schedule⁴ once the matter is referred back for further proceedings.

The Court designates Chief Administrative Hearing Officer James McHenry 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* 28 C.F.R. § 68.14.

SO ORDERED.

Dated and entered on June 4, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

³ *See* <https://www.justice.gov/eoir/page/file/1300746/download>.

⁴ Parties are reminded there is a pending Motion for a Protective Order. This motion will not be adjudicated during the stay of proceedings. If the case returns to the active docket from the Program, the Court will provide guidance on a Response deadline for this motion alongside other discovery-related guidance.