

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00061
)	
GRAHAM AND ROLLINS, INC.,)	
Respondent.)	
)	

Appearances: Kathryn J.H. Boardman, Esq., for Complainant
Terri Graham Wallace, corporate representative for Respondent

ORDER OF DISMISSAL

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Control and Reform Act of 1986 (IRCA), 8 U.S.C. §1324a. 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) against Respondent, Graham and Rollins, Incorporated, on March 6, 2024. Complainant alleges that Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for nine employees, and failed to ensure that the employee properly completed Section 1 and/or failed to properly complete Section 2 or 3 of the Form I-9 (substantive paperwork violations) for two employees, in violation of 8 U.S.C. § 1324a(a)(1)(B).

On May 23, 2024, the parties filed a Notice of Settlement and Motion to Dismiss. The parties advise that they have “reached a full settlement of this case” pursuant to 28 C.F.R. § 68.14(a)(2).¹ Notice Settlement & Mot. Dismiss 1. The parties attach a copy of their settlement agreement as Exhibit A, writing that they are “in agreement to dismiss this action,” and asking the Court to dismiss the action with prejudice. Id.

Where parties have entered into a settlement agreement, they shall notify the Administrative Law Judge (ALJ) that “the parties have reached a full settlement and have agreed

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

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.” 28 C.F.R. § 68.14(a)(2).

Upon review of the parties’ Notice of Settlement and the attached settlement agreement, the Court finds that the parties have complied with 28 C.F.R. § 68.14(a)(2), and that dismissal based on settlement is warranted. Given the expressed preference of the parties, and the fact that the parties have “reached a full settlement of this case,” the Court grants the dismissal with prejudice. *See United States v. RGV Best Burger, Inc.*, 18 OCAHO no. 1492a, 3 (2023).²

The parties Notice of Settlement and Motion to Dismiss is GRANTED, and this matter is DISMISSED with prejudice. This is a Final Order.

SO ORDERED.

Dated and entered June 20, 2024.

John A. Henderson
Administrative Law Judge

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>.

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such 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.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.