

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. 2024A00002
)	
MUGHNI ONE, INC.,)	
Respondent.)	
)	

Appearances: Jennifer L. Hastings, Esq., for Complainant
Niti Crupiti, Esq., for Respondent

FINAL 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 October 2, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint against Respondent, Mughni One, Inc. Complainant alleges that Respondent failed to properly prepare Section 1 or Section 2 of the Employment Eligibility Verification Form (Form I-9) for ten employees, in violation of 8 U.S.C. § 1324a(a)(1)(B). On November 6, 2023, Respondent filed its Answer to the Complaint.

On June 13, 2024, the parties filed a Joint Position Statement of the Parties. The parties write that they have “reached a signed and executed settlement agreement in this matter and would respectfully request that this complaint is dismissed, and proceedings terminated.” Joint Position Statement 1. The parties attach a copy of their executed settlement agreement.

When parties have entered into a settlement agreement, they “shall . . . [n]otify the Administrative Law Judge that the parties have reached a full settlement and have 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.” 28 C.F.R. § 68.14(a)(2).¹

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

The Court finds that the parties' Joint Position Statement of the Parties complies with the requirements of 28 C.F.R. § 68.14(a)(2) and accordingly GRANTS the motion.

The parties do not specify whether they seek dismissal with or without prejudice. “[A] party which fails to indicate whether the settlement is with or without prejudice leaves the matter to the sound discretion of the court.” Garcia v. Can-Am Elec., LLC, 15 OCAHO no. 1401, 2–3 (2021).² Here, the Court will grant dismissal with prejudice, given that the settlement agreement reflects that the parties have reached a full settlement of all the issues in the case, and considering the parties' request for a full dismissal. *See id.* (dismissing with prejudice, taking into account the parties' conduct before the forum); *see also* United States v. Chinese Back Rub, 17 OCAHO no. 1452, 2 (2022) (dismissing with prejudice and considering that the parties' settlement agreement reflected a desire for a final resolution of the matter).

The Joint Position Statement of the Parties is GRANTED, and this matter is DISMISSED WITH PREJUDICE. This is a Final Order.

SO ORDERED.

Dated and entered on 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.