

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. 2023A00069
DILLIGAS CORP., D/B/A US GOT PEOPLE,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Ricardo Cuellar, Esq., for Complainant  
W. Stephen Graves, Esq., for Respondent

FINAL ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 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, Dilligas Corporation, doing business as US Got People, on June 23, 2023. Complainant alleges that Respondent failed to prepare and/or present Forms I-9 for seven individuals, in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶ 6. Complainant further alleges that Respondent failed to ensure proper completion of Section 1 and/or failed to properly complete Section 2 or 3 of Forms I-9 for seventy individuals, also in violation of 8 U.S.C. § 1324a(a)(1)(B). *Id.* Complainant attached as exhibits to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the Immigration and Nationality Act (NIF) that it served on Respondent for \$74,197.20, and Respondent’s request for a hearing dated March 12, 2019. *Id.*, Exs. A-B.

The Chief Administrative Hearing Officer sent a Notice of Case Assignment for Complaint Alleging Unlawful Employment, the complaint, the NIF, and

Respondent's request for a hearing to the parties on June 27, 2023. The United States Postal Service website indicated service on both Respondent and Respondent's counsel on July 5, 2023, making an answer due by August 4, 2023. *See* 28 C.F.R. §§ 68.3(b), 68.9(a). Respondent filed its answer by facsimile on August 3, 2023, to toll the running of the time limit and attested to same-day service on Complainant; Respondent failed to attest to the manner of service. Answer at 2. OCAHO received the original, signed answer by mail on August 9, 2023. On August 18, 2023, the Court issued an order permitting the parties to file electronically all filings in this case.

On January 24, 2024, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference. The Court ordered the parties to file their prehearing statements by February 14, 2024, and scheduled the prehearing conference for February 27, 2024, at 11 a.m. Eastern Standard Time to develop a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter. *See* 28 C.F.R. § 68.13. Neither party filed a prehearing statement as ordered and OCAHO staff contacted their counsel.

On February 20, 2024, Respondent's counsel responded to OCAHO staff and represented in a voicemail that the parties had settled the case and that Complainant's counsel was preparing settlement paperwork to file with OCAHO which he hoped the Court would accept. On February 26, 2024, OCAHO staff spoke with Respondent's counsel who represented that the parties intended to file a joint motion to dismiss by facsimile that afternoon.<sup>1</sup>

On February 26, 2024, the parties filed by facsimile and email a Joint Motion to Dismiss Complaint. In the joint filing, the parties moved the Court to dismiss the case without prejudice and explained that they had reached a "full agreement" in this matter. Joint Mot. Dismiss Compl. 1. Counsel for both parties signed the motion. *Id.* Also on February 26, 2024, OCAHO staff contacted the parties and advised them that, given the pending motion, the initial prehearing conference would be canceled.

## II. LEGAL STANDARDS & DISCUSSION

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<sup>1</sup> Given the order to file prehearing statements and the upcoming initial prehearing conference, the Court considers these communications to have been made for scheduling purposes. OCAHO staff contacted Complainant's counsel by telephone and email to notify him of the information shared by Respondent's counsel in accordance with 28 C.F.R. § 68.36(a).

Proceedings in this case are governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024).<sup>2</sup> OCAHO's rules provide two avenues for dismissal: consent findings or dismissal. *See* 28 C.F.R. § 68.14. Parties that pursue dismissal after reaching a full settlement proceed pursuant to 28 C.F.R. § 68.14(a)(2). That rule provides that, where the 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." *Id.*

After reviewing the parties' Joint Motion to Dismiss Complaint, the Court finds that the parties have substantially complied with 28 C.F.R. § 68.14(a)(2). Specifically, the parties move for dismissal of this action pursuant to 28 C.F.R. § 68.14(a)(2) and represent that they "have come to a full agreement and now ask the court to dismiss the instant matter without prejudice." Joint Mot. Dismiss Compl. 1. Respondent's counsel also confirmed Respondent's agreement to the settlement and dismissal in his communications with OCAHO staff on February 20, 2024, and February 26, 2024.

The Court notes that the parties did not file a copy of their settlement agreement. It is within the Court's discretion to order them to do so. *See* 28 C.F.R. § 68.14(a)(2). After considering the nature of these proceedings and the record before the Court, including that both parties are represented by counsel and have been actively participating in this matter, the Court will not require the parties to file their settlement agreement and now rules on their pending motion. *See, e.g., United States v. El Camino, LLC*, 18 OCAHO no. 1479d, 2 (2023) (declining to require the filing of a settlement agreement where "both parties are represented, have actively engaged in the case, and have the benefit of the Court's decision on liability").

Given the parties' full settlement in this case and agreement to seek dismissal without prejudice, the Court finds that dismissal is appropriate and grants the parties' Joint Motion to Dismiss Complaint without prejudice.

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<sup>2</sup> OCAHO's Rules of Practice and Procedure for Administrative Hearings are available on OCAHO's homepage on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

III. ORDERS

Accordingly, upon consideration of the Joint Motion to Dismiss Complaint filed by Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, and Respondent, Dilligas Corporation, doing business as US Got People, and pursuant to 28 C.F.R. § 68.14(a)(2),

IT IS SO ORDERED that the parties' Joint Motion to Dismiss Complaint is GRANTED, and this case is DISMISSED without prejudice.

IT IS FURTHER ORDERED that, given the dismissal, the initial prehearing conference scheduled for February 27, 2024, at 11 a.m. Eastern Standard Time, is canceled.

SO ORDERED.

Dated and entered on February 27, 2024.

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Honorable Carol A. Bell  
Administrative Law Judge

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) (2012).

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.