

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

July 24, 1996

UNITED STATES OF AMERICA)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No: 95A00145
)	
HARRAN TRANSPORTATION CO.,)	
INC.)	
Respondent.)	

DECISION AND ORDER

This action was initiated by the United States Department of Justice, Immigration and Naturalization Service (INS) which filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Harran Transportation Company, Inc. (Respondent) failed to ensure that 29 named individuals properly completed Section 1 of the Employment Eligibility Verification Form (Form I-9) and failed itself to complete Section 2 of Form I-9 properly for 10 additional named individuals. Complainant's Motion for Judgment on the Pleadings was previously denied in part and granted in part on April 25, 1996.

On July 1, 1996, the parties filed a Joint Motion to Approve Consent Findings pursuant to 28 C.F.R. § 68.14(a)(2) requesting approval of their Consent Findings in accordance with 28 C.F.R. § 68.14(b)(1) - (4) which provides:

Any agreement containing consent findings and a proposed decision and order disposing of a proceeding or any part thereof shall also provide:

- (1) That the decision and order based on consent findings shall have the same force and effect as a decision and order made after a full hearing;
- (2) That the entire record on which any decision and order may be based shall consist solely of the complaint, notice of hearing, and any other such pleadings and documents as the Administrative Law Judge shall specify;
- (3) A waiver of any further procedural before the Administrative Law Judge; and

- (4) A waiver of any right to challenge or contest the validity of the decision and order entered into in accordance with the agreement. (emphasis supplied)

I have reviewed the submission as provided in 28 C.F.R. 68.14(c) and find that it is generally acceptable both in form and substance. In accordance with 28 C.F.R. § 16.14(b)(2), I have altered paragraph 5 of the submitted order to reflect a fuller description of the record. Otherwise, I approve and adopt the proposed decision and order based upon the agreed findings as submitted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(1) The document entitled Consent Findings contained in the Motion to Approve Consent Findings, submitted by the parties, including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as if fully set out herein.

(2) The parties have agreed that Respondent admits the allegations set forth in the Complaint thereby conceding violations of §274A(a)(1)(B) of the Immigration and Nationality Act (hereinafter the "Act"), 8 U.S.C. § 1324a(a)(1)(B) with regard to the employment of the individuals referred to in the Complaint.

(3) On the basis of the Consent Findings, I find and conclude that Harran Transportation Co., Inc., has violated § 274(a)(1)(B) of the Act, 8 U.S.C. §1324a(a)(1)(B) with regard to the employment of the individuals referred to in the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) that the motion to approve the Consent Findings is granted;
- (2) that Respondent pay a civil monetary penalty of three thousand seven hundred dollars (\$3,700.00) payment to be made by cashier's or certified check upon approval of the Consent Findings;
- (3) that each party bear its own attorney fees, costs, and other expenses incurred by each party in connection with these proceedings;
- (4) that this Decision and Order has the same force and effect as a Decision and Order made after a full administrative hearing;
- (5) that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, a Memorandum assigning the case to me, an Answer, a Motion for Judgment on the Pleading (sic) and Response thereto, an Order Denying in Part and Granting in Part Complainant's Motion for Judgment on the Pleadings, the Joint Motion to Approve Consent Findings, and the Consent Findings;

(6) that the parties have waived any further procedural steps before the Administrative Law Judge;

(7) that this Decision and Order is final and unappealable and that the parties have waived any and all right to challenge or contest the validity of this Decision and Order in any forum; and

(9) that the hearing in this case is canceled.

SO ORDERED

Dated and entered this 24th day of July, 1996.


Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

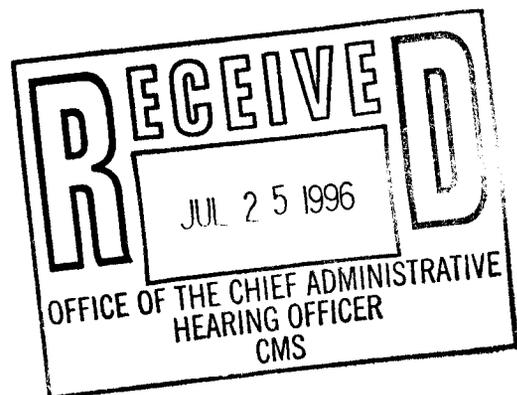
I hereby certify that on this 24th day of July, 1996, I have served copies of the foregoing Decision and Order to the following persons at the addresses indicated:

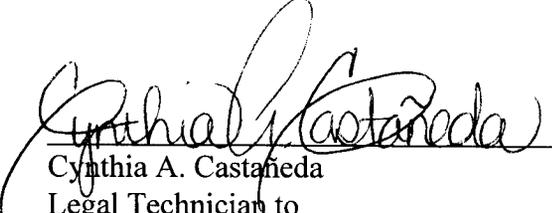
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