

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

ALEXANDER BURKE,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2023B00055
ALARM.COM, INC.,)	
Respondent.)	
)	

Appearances: Ryan Kenny, Esq., for Complainant
Sean McCrory, Esq., and Monica Rodriguez, Esq., for Respondent

ORDER OF DISMISSAL

This case arises under the employment discrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On April 4, 2023, Complainant, Alexander Burke, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleged that Respondent, Alarm.com, Inc., refused to hire him based on his citizenship status and that it asked for more or different documents than required for employment eligibility verification process. Compl. 8. Respondent filed an answer on May 11, 2023.

On July 31, 2023, upon the parties’ request and after discussion at a prehearing conference, this Court referred the case to the Office of the Chief Administrative Officer Settlement Officer program for a period of sixty days.¹ On October 2, 2023, the Court extended the settlement period for an additional thirty days.

On October 27, 2023, the parties filed a Joint Stipulation of Dismissal with Prejudice. The motion cites 28 C.F.R. § 68.14, which outlines how to request dismissal of an action once the parties have reached a full settlement, and indicates that the parties have agreed to dismissal of this action. Joint Mot. Dismiss 1. The parties request that “the Court . . . enter an Order dismissing with prejudice any and all claims asserted by Complainant against Respondent . . . in this action.” Id.

¹ See OCAHO Practice Manual Ch. 4.7, available at <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7>; OCAHO Settlement Officer Program, OOD PM 20-16 (Aug. 3, 2020).

Pursuant to 28 C.F.R. § 68.14(a)(2), upon receiving notification by the parties of a full settlement and agreement to dismiss the action, the Administrative Law Judge has discretion to approve the dismissal with or without the filing of the settlement agreement. Under the circumstances, the Court finds a review of the settlement agreement unnecessary.

Accordingly, the parties' motion is GRANTED and the complaint is DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated and entered on November 7, 2023.

Honorable John A. Henderson
Administrative Law Judge