

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

January 18, 2024

CHRISTANYA SYMPLICE,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00001
)	
NEW YORK CITY HEALTH AND HOSPITALS)	
CORPORATION D/B/A NYC)	
HEALTH + HOSPITALS,)	
Respondent.)	
_____)	

Appearances: Christanya Symplice, pro se Complainant
Sarah Arenas, Esq., for Respondent

ORDER OF DISMISSAL

On October 6, 2022, Complainant, Christanya Symplice, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, New York City Health and Hospitals Corporation d/b/a NYC Health + Hospitals, discriminated against her on account of national origin and citizenship status, in violation of 8 U.S.C. § 1324b(a)(1), and engaged in document abuse, in violation of 8 U.S.C. § 1324b(a)(6). On November 29, 2022, Respondent filed an answer. On June 14, 2023, Respondent filed a motion for summary decision.

On August 23, 2023, this Court issued an order staying proceedings because the Court found itself “in a position wherein it [was] unable to execute [a] case disposition,” citing to *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381h, 2 n.4 (2021).¹

¹ Citations to OCAHO precedents subsequent to Volume 8 reflect the volume number and the case number of the particular decision, followed by any pinpoint citations to a specific page within the original issuances; the beginning page number of the case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

Respondent filed a motion for a continuance on October 5, 2023, asking that the stay of proceedings remain in place until such time as the parties informed OCAHO of the outcome of negotiations between Respondent and the U.S. Department of Justice, Immigrant and Employee Rights Section (IER) regarding this matter. On January 4, 2024, the Court lifted the stay and ordered the parties to file a status report.

On January 11, 2024, Respondent filed a letter signed by Complainant informing the Court that the parties have reached a full settlement and seek dismissal of this matter pursuant to 28 C.F.R. § 68.14(a)(2).² The parties did not attach the settlement agreement.

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

The Court finds that the letter brief complies with the requirements of 28 C.F.R. § 68.14(a)(2). While the Court may require filing of the settlement agreement, the Court declines to require such a filing in this case as it is posted on the Department of Justice website.³ See 28 C.F.R. § 68.14(a)(2).

Because the parties have jointly requested dismissal and complied with the regulatory requirements for dismissal, the case is hereby DISMISSED without prejudice.

SO ORDERED.

Dated and entered on January 18, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

³ See Justice Department Secures Agreement with New York City Health Care System to Resolve Allegation of Employment Discrimination, Office of Public Affairs, U.S. Department of Justice, (Nov. 16, 2023), <https://www.justice.gov/opa/pr/justice-department-secures-agreement-new-york-city-health-care-system-resolve-allegations> (including a settlement agreement with a reference to OCAHO Case No. 2023B00001).