

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

July 16, 2025

MARIA BENABIDES,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2025B00037
)	
)	
MP WEST, LLC,)	
Respondent.)	
)	

Appearances: Maria Benabides, pro se Complainant
Rafael G. Nendel-Flores, Esq., for Respondent

ORDER SUMMARIZING PREHEARING CONFERENCE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On April 8, 2025, Complainant, Maria Benabides, filed a complaint alleging that Respondent, MP West LLC, discriminated against her on the basis of citizenship status and engaged in unfair documentary practices by rejecting or refusing documents presented to prove her identity and/or work authorization. Compl. 10, 12.

On July 15, 2025, the Court held an initial prehearing conference. Present were Respondent's Counsel, Complainant, and Complainant family member Ms. Viridiana Viurquez.

Complainant informed the Court that Spanish is the language she speaks and understands best.

Complainant may make a standing request for a free Spanish language interpreter for all future prehearing conferences by submitting a written request to that effect.

Any such written request should contain the full case name and number, and state: "The Complainant requests a Spanish language interpreter for all prehearing conferences." *See, e.g., A.S. v. Amazon Webservs., Inc.*, 14 OCAHO no. 1381g, 1-2 (2021) (granting complainant's written request for a Hindi language interpreter).¹

¹ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that

Complainant's family member confirmed she is not an attorney.

Complainant's family member may file a motion if she seeks to formally enter an appearance to represent the Complainant; however, she must be sure she meets the criteria in the regulation² and

volume where the decision begins; the pinpoint citations which follow are thus to the pages, *seriatim*, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, 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 in the Westlaw database "FIMOCAGO," or in the LexisNexis database "OCAHO," or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

² OCAHO's Rules of Practice and Procedure explain:

An individual who is neither an attorney nor a law student may be allowed to provide representation to a party upon a written order from the Administrative Law Judge assigned to the case granting approval of the representation. The individual must file a written application with the Administrative Law Judge demonstrating that the individual possesses the knowledge of administrative procedures, technical expertise, or other qualifications necessary to render valuable service in the proceedings and is otherwise competent to advise and assist in the presentation of matters in the proceedings.

(i) ***Application.*** A written application by an individual who is neither an attorney nor a law student for admission to represent a party in proceedings shall be submitted to the Administrative Law Judge within ten (10) days from the receipt of the Notice of Hearing and complaint by the party on whose behalf the individual wishes to file the application. This period of time for filing the application may be extended upon approval of the Administrative Law Judge. The application shall set forth in detail the requesting individual's qualifications to represent the party.

(ii) ***Inquiry on qualifications or ability.*** The Administrative Law Judge may, at any time, inquire as to the qualifications or ability of any non-attorney to render assistance in proceedings before the Administrative Law Judge.

(iii) ***Denial of authority to appear.*** Except as provided in paragraph (c)(3)(iv) of this section, the Administrative Law Judge may enter an order denying the privilege of appearing to any individual who the Judge finds does not possess the requisite qualifications to represent others; is lacking in character or integrity; has engaged in unethical or improper

provides sufficient information demonstrating such³ along with any Notice of Appearance. Alternatively, she may be permitted to attend future prehearing conferences, but if she is not representing the Complainant she will not be permitted to participate.

Complainant's family member may assist Complainant in serving and filing motions or pleadings in this case. Complainant's family member would need to ensure she attaches a Certificate of Service to any motion or other filing to memorialize the requisite information. An example of a Certificate of Service can be found at the end of this Order (as the Court also provides a Certificate of Service to the parties).

The Court will now provide additional information to the parties related to various programs and deadlines:

E-Filing: OCAHO's electronic filing program is voluntary and allows the parties to submit and receive documents in this matter via electronic mail.⁴ For a case to be enrolled in the program; both parties must consent in writing. OCAHO Practice Manual 3.7(c). The Court received Complainant's registration form prior to the prehearing conference, and at the conference, Respondent indicated it wished to participate. A copy of the registration form is attached.

Settlement Officer Program: OCAHO's Settlement Officer Program is a free mediation service available to parties.⁵ As with electronic filing, both parties must consent in writing before the case can enter the program. Parties may make a request for referral "at any time while proceedings are pending up to 30 days prior to the date scheduled for a hearing in the matter." OCAHO Practice Manual Ch. 4.7(b)(4)(A).

professional conduct; or has engaged in an act involving
moral turpitude.

28 C.F.R. § 68.33(c).

³ See *Hussain v. Developplus, Inc.*, 21 OCAHO no. 1649b (2025) (rejecting complainant's proposed representative for failing to "provide sufficient detail demonstrating requisite knowledge and technical expertise to litigate cases" before OCAHO.)

⁴ Rules regarding enrollment and participation in OCAHO's electronic filing program can be found in Chapter 3.7 of OCAHO's Practice Manual. The Manual is available here: <https://www.justice.gov/eoir/reference-materials/ocaho>. Chapter 3.7 of the Manual can be found here: <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-3/7>.

⁵ Rules regarding enrollment and participation in the Settlement Officer Program can be found in Chapter 4.7 of OCAHO's Practice Manual. Chapter 4.7 of the Practice Manual can be found here: <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7>.

Regulations and Procedure: OCAHO's Rules of Practice and Procedure are codified at 28 C.F.R. pt. 68 (2024).⁶ The Federal Rules of Civil Procedure are not binding in this forum, nevertheless, they "may be used as a general guideline in any situation not provided for or controlled by [OCAHO's Rules], by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation." 28 C.F.R. § 68.1.⁷ The Court invites the parties to consult these Federal Rules, in addition to OCAHO's Rules, when conducting discovery and preparing to file any dispositive motions.⁸

Case Schedule: The Court sets the following case schedule:

Discovery closes:	October 16, 2025
Dispositive motions deadline:	December 16, 2025
Responses to dispositive motions due:	30 days after motion is filed
Tentative Hearing Timeframe:	Summer 2026

Any party can request a prehearing conference at any time. To do so, please first reach out to the other side and inquire about availability. Then present several dates and times of mutual availability to the Court. Prehearing conferences can be requested by way of motion, or by emailing the Court at: [xxx.xxx].

SO ORDERED.

Dated and entered on July 16, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁶ Regulations are published online at: <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

⁷ A copy of the Federal Rule of Civil Procedure can be found at: <https://www.uscourts.gov/forms-rules/current-rules-practice-procedure/federal-rules-civil-procedure>.

⁸ The Court also invites the parties to consult OCAHO's topical index, which is a searchable document organizing precedential OCAHO cases by topic and subtopic. The topical index, as well as all published OCAHO decisions, are found on OCAHO's website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.