

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2024B00039
AVANT, LLC	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, JD, for Complainant<sup>1</sup>  
Courtney Tedrowe, Esq., and Emily P. Figura, Esq., for Respondent<sup>2</sup>

ORDER GRANTING MOTION FOR EXTENSION

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent, Avant, LLC, discriminated on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1).

On February 21, 2024, the Chief Administrative Hearing Officer sent by certified U.S. mail a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) to the address identified for Respondent on the complaint.

On March 21, 2024, Respondent filed Respondent’s Motion for Extension of Time to File Answer, without accompanying notices of appearance for Respondent’s counsel. In its Motion for Extension of Time, Respondent indicates that it was served with the complaint on February 27, 2024, and requests a 30-day extension of its answer deadline until April 29, 2024. Respondent further indicates that counsel was recently retained, and Respondent “believes that it

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<sup>1</sup> The Complaint lists John M. Miano, JD as the “attorney or authorized representative” for Complainant. To the extent that Mr. Miano is an attorney seeking to represent the Complainant in this matter, he must file a notice of appearance in compliance with the requirements of 28 C.F.R. § 68.33(f).

<sup>2</sup> The Answer is signed by Mr. Tedrowe, and Ms. Figura is listed on as an attorney for Respondent in the Answer. Neither has filed a notice of appearance. In keeping with 28 C.F.R. § 68.33(f), both must file notices of appearance with the Court.

is not feasible for its counsel to become fully acquainted with the facts and issues involved, and to prepare a thorough responsive pleading, within the fifteen (15) days afforded by the current deadline.” Mot. Extension 3.

“OCAHO’s Rule of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” United States v. Space Exploration Techs., 18 OCAHO no. 1499, 5 (2023) (citing United States v. Exim, 3 OCAHO no. 591, 1925, 1929 (1993); United States v. Four Star Knitting, Inc., 5 OCAHO no. 815, 711, 714 (1995))<sup>3</sup>; *see also* Talebinejad v. Mass. Inst. Tech., 17 OCAHO no. 1464, 2 (2022) (citing Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021)).

Here, Respondent asks for an extension of time to file an answer because counsel was recently retained. The Court has previously found good cause for extension of the answer deadline where counsel was recently retained. *See e.g.* Ackermann v. Mindlance, Inc., 17 OCAHO no. 1462, 1-2 (2022); Lowden, Jr., v. Ann Arbor Elec. JATC Training Ctr., 18 OCAHO no. 1490, 2 (2023). Although the Court has not received a filing from Complainant indicating whether it opposes the motion, the extension is relatively short and the case is still in its early stages. The Court finds no prejudice would arise from an extension of time to answer the complaint. *See* Space Exploration Techs., 18 OCAHO no. 1499 at 3.

The Court therefore GRANTS Respondent’s motion for an extension of time to file an answer. Respondent must file its answer by April 29, 2024

SO ORDERED

Dated and entered March 27, 2024.

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John A. Henderson  
Administrative Law Judge

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<sup>3</sup> 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 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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.