

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

**ADMINISTRATIVE ACTION BY THE CHIEF ADMINISTRATIVE HEARING OFFICER**

United States of America, Complainant v. Dodge Printing Centers, Inc., Respondent; 8 U.S.C. § 1324a Proceeding; Case No. 89100453.

**DENIAL OF RESPONDENT'S REQUEST FOR ADMINISTRATIVE REVIEW**

On September 12, 1989, the United States of America, by and through its agency, the Immigration and Naturalization Service (hereinafter Complainant), filed a complaint with the Office of the Chief Administrative Hearing Officer (hereinafter OCAHO) against Dodge Printing Centers, Inc. (hereinafter Respondent). The Complainant charged Respondent with violations of the employer sanctions provisions of the Immigration Reform and Control Act of 1986, codified at 8 U.S.C. § 1324a. On September 14, 1989, the OCAHO issued a Notice of Hearing to the parties and assigned the matter to the Honorable E. Milton Frosburg, Administrative Law Judge (hereinafter ALJ). On November 1, 1989, the ALJ received the Respondent's Answer.

Following a telephonic prehearing conference held November 28, 1989, the Respondent filed an Admission of Liability, received by the ALJ on December 4, 1989, wherein Respondent admitted liability for every allegation set forth in the complaint. The only remaining question was the amount of the civil money penalty, which was to be decided by the ALJ following submission of written briefs.

On January 12, 1990, the ALJ issued a Decision and Order in which he concluded, after consideration of the statutory factors as set out at 8 U.S.C. § 1324a(e)(5), that the Respondent must pay a civil money penalty in the amount of nine thousand two hundred dollars. (\$9,200).

On April 16, 1990, Respondent filed a motion with the ALJ, entitled ``Motion to Set Aside Decision [and] Motion to Extend Time to

Appeal,' asking that the ALJ reconsider his decision because the Decision and Order was not properly served. In an Order dated April 26, 1990, the ALJ denied this motion.

Pursuant to the applicable Rules of Practice and Procedure, appearing at 54 Fed. Reg. 48593 [to be codified at 28 C.F.R. Part 68] (hereinafter regulations), a party has five days from the date of an ALJ's order to request an administrative review. The regulations grant an additional five days when, as here, a party has been served by mail. Additionally, weekends and holidays are excluded from the tabulation during the first five days. Therefore, either party in this case had until May 8, 1990 to file a request for administrative review of the ALJ's Order of April 26, 1990.

On May 22, 1990, the Respondent filed with the OCAHO a ``Declaration of Mistrial,' again arguing that it was not properly served a copy of the ALJ's Decision and Order of January 12, 1990. Through this declaration, the Respondent is apparently asking for an administrative review of the ALJ's Order. However, because the apparent request for review was filed after May 8, 1990, it cannot be considered timely. Therefore, the Chief Administrative Hearing Officer hereby denies the Respondent's request for an administrative review.

**SO ORDERED:** This 29th day of May, 1990.

JACK E. PERKINS  
Chief Administrative Hearing Officer