

**OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER  
ADMINISTRATIVE REVIEW AND FINAL AGENCY ACTION OF ADMINISTRATIVE LAW  
JUDGE'S FINAL ORDER  
AGENCY ACTION No. 12**

United States of America, Complainant v. Chuy's Paint and Body Shop,  
Respondent 8; U.S.C. 1324a Proceeding; Case No. 88100019.

**Modification by the Chief Administrative Hearing Officer of the  
Administrative Law Judge's Final Order**

On June 2, 1988, the Administrative Law Judge assigned to this case issued an Order regarding the above-styled proceeding, entitled ``Order Granting Motion for Default Judgment.'' The Administrative Law Judge's Order was based on a Motion for Default Judgment filed by the Complainant on May 5, 1988. Pursuant to Title 8, United State Code, Section 1324a(e)(6) and Section 68.52 of the Interim Final Rules of Practice and Procedure for Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, appearing at 52 Fed. Reg. 44972-85 (1987) [hereinafter Rules] (to be codified at 28 C.F.R. Part 68), the Chief Administrative Hearing Officer, in accordance with Section 68.52 of the Rules, supra, modifies the Administrative Law Judge's Order by eliminating the ``cease and desist'' portion of the Order and by replacing the phrase ``pay a FINE'' with ``civil money penalty''. This Action otherwise leaves intact the Judgment by Default as it pertains to the civil money penalty of \$400.00 imposed against the Respondent. Furthermore, a provision is hereby added to the Order, stating that the scheduled hearing has been cancelled.

It is Hereby Ordered:

1. that Chuy's Paint and Body Shop pay a civil money penalty in the amount of \$400.00 either in cash or in the form of a cashier's check, certified check, money order, or bank check made payable to the ``Immigration and Naturalization Service'' and deliver same to:

Chief Patrol Agent, U.S. Border Patrol, 2301 South Main, McAllen, Texas 78503

2. that so much of the Motion for Default Judgment and the Complaint as seek a cease and desist order are dismissed with prejudice, and

3. that the hearing previously scheduled is cancelled.

In accordance with Sections 68.6(b) and 68.52(a) of the Rules, supra, this Judgment by Default is the final order. As provided in the Rules, id. at Section 68.52, if the Chief Administrative Hearing Officer modifies or vacates the order, the order of the Chief Administrative Hearing Officer becomes the final order.

**SO ORDERED.**

This action is the final order and hereby closes the file and disposes of all proceedings.

Date: June 27, 1988.

WILLIAM P. TYSON  
Chief Administrative Hearing Officer