

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2024A00001
)	
GLEN ECHO PHARMACY, INC.,)	
Respondent.)	
)	

Appearances: Jennifer L. Hastings, Esq., for Complainant
Ron Sinker, pro se Respondent

ORDER TO SHOW CAUSE

I. BACKGROUND

This case arises under arises under the employer sanction provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On October 2, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Glen Echo Pharmacy, Inc.. Complainant alleges that Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for 25 individuals, in violation of § 1324a(a)(1)(B).

This office initially issued to Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA) and a copy of the Complaint on October 2, 2023 (collectively the complaint package), via certified U.S. mail. However, because the mail tracking information for the October 2, 2023, complaint package indicated it was “in transit to the next facility” for a month, this Office re-sent the NOCA and complaint to Respondent on November 9, 2023, via certified U.S. mail. The NOCA directed that an answer was to be filed within 30 days of receipt of the Complaint, that failure to answer could lead to default, and that proceedings would be governed by U.S. Department of Justice regulations.¹

The U.S. Postal Service website indicates the re-issued NOCA was delivered on November 15, 2023, making Respondent’s answer due no later than December 15, 2023. On November 30,

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

2023, this office received a return receipt confirming service upon Respondent. To date, Respondent has not filed an answer.

II. ORDER TO SHOW CAUSE

Under the OCAHO Rules of Practice and Procedure, to contest a material fact alleged in the complaint or a penalty assessment, a respondent must file an answer. 28 C.F.R. § 68.9(c). Failure to file an answer “within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b). Further, “failure to respond to an Order may trigger a judgment by default.” United States v. Hotel Valet Inc., 6 OCAHO no. 849, 252, 254 (1996).² “If a default judgment is entered, the request for hearing is dismissed, AND judgment is entered for the complainant without a hearing.” Nickman v. Mesa Air Grp., 9 OCAHO no. 1106, 1 (2004).

However, it has long been OCAHO’s practice to issue an order to show cause before entering a default. *See* United States v. Shine Auto Serv., 1 OCAHO no. 70, 444 (1989) (Vacating Order Denying Default Judgment).

Respondent’s answer was due December 15, 2023, and to date, Respondent has not filed an answer. Accordingly, Respondent is ORDERED to file an answer, pursuant to 28 C.F.R. § 68.9(c), within 21 days of the date of this Order. Respondent is FURTHER ORDERED to file a submission that demonstrates good cause for its failure to timely file an answer, within 21 days of the date of this Order.

Should Respondent fail to file to respond as ordered or cannot show good cause, the Court may enter a default judgment against Respondent, pursuant to 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on January 24, 2024.

Honorable John A Henderson
Administrative Law Judge

² 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 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.