

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

January 30, 2024

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|--------------------------|---|-----------------------------|
| ZAJI OBATALA ZAJRADHARA, |) | |
| Complainant, |) | |
| |) | |
| |) | 8 U.S.C. § 1324a Proceeding |
| v. |) | OCAHO Case No. 2024B00020 |
| |) | |
| |) | |
| BLOSSOM CORPORATION, |) | |
| Respondent. |) | |
| _____ |) | |

ORDER OF INQUIRY

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On November 15, 2023, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, Blossom Corporation, discriminated against him on account of his citizenship status and national origin in violation of § 1324b(a)(1).

On November 27, 2023, the Court sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the complaint via certified U.S. mail. OCAHO sent these documents to the address listed for Respondent listed on the Complaint and the attached Immigration and Employee Rights Section (IER) charge. Compl. 6. However, according to the United States Postal Service (USPS) website, these documents were undeliverable due to an “insufficient address,” and were returned to the Court.

On further inspection, the address for Respondent listed on the Complaint attached IER charge does not contain a street number, only a street name, town, and state/ZIP Code. Complainant acknowledges that this is not an “actual mailing address” in his IER charge, writing that IER would need to contact the CNMI Department of Labor to get the address. As such, the Court presently does not possess a working mailing address for Respondent in order to serve the Complaint.

When OCAHO encounters difficulties in perfecting service, it can seek the assistance of a party. *See* 28 C.F.R. § 68.3(c)¹ (stating “the Administrative Law Judge may direct that a party execute service of process” when OCAHO encounters difficulties in perfecting service).

As OCAHO is currently unable to serve the Complaint based on the information available to it, the undersigned is issuing this Order of Inquiry requiring Complainant to provide a working mailing address for Respondent.² Complainant must postmark his response within thirty (30) days of receipt of this Order.

“OCAHO case law demonstrates that in instances when a complaint cannot be effectively served, it is dismissed without prejudice[.]” *Heath v. VBeyond Corp. & an Anon. Empl’r*, 14 OCAHO no. 1368a, 3–4 (2020) (citing *United States v. Iniguez-Casillas*, 6 OCAHO no. 870, 510, 512 (1996), and then citing *United States v. Baches-Corado*, 3 OCAHO no. 571 (1993)).³ Complainant should, thus, understand that this Complaint may be dismissed if it cannot be effectively served.

¹ Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2020).

² Complainant may wish to confer with the Immigrant and Employee Rights Section.

Complainant is also encouraged to review OCAHO’s Rules of Practice and Procedure for Administrative Hearings’ provisions regarding service of the Complaint. These Rules are available on OCAHO’s website at <https://www.govinfo.gov/content/pkg/CFR-2021-title28-vol2/pdf/CFR-2021-title28-vol2-part68.pdf>. Specifically, the Rules provide that OCAHO may effect service of the Complaint by delivering a copy to the “individual party, partner of a party, officer of a corporate party, registered agent for service of process of a corporate party, or attorney or representative of record of a party,” or by mailing to the “last known address of such individual, partner, officer, or attorney or representative of record.” 28 C.F.R. § 68.3(a).

³ 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>.

SO ORDERED.

Dated and entered on January 30, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge