

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

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

Appearances: Jennifer L. Hastings, Esq., for Complainant
James J. Schaller, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION

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. The package was resent on November 9, 2023. The U.S. Postal Service website indicates that the re-issued NOCA was delivered on November 15, 2023, making Respondent’s answer due no later than December 15, 2023. On November 30, 2023, this office received a return receipt confirming service upon Respondent. To date, Respondent has not filed an answer.

On February 23, 2024, the Court issued an Order to Show Cause, directing Respondent to file an answer and a submission demonstrating good cause for its failure to timely file an answer, both within 21 days of the date of the Order. The Court warned Respondent that failure to file an answer could result in an entry of default against Respondent.

On February 23, 2024, Respondent, through counsel, filed its Unopposed Motion to Extend Time to Respond to Order to Show Cause. In it, Respondent’s counsel notes that Respondent is “a small, family-owned pharmacy” and retained counsel on February 22, 2024. Mot. Extension 1. Because Respondent’s counsel was recently retained, the motion requests an additional 14 days to file an answer. Id. at 2. Respondent also indicated that it informed Complainant that it would be filing this motion and provided Complainant with a draft of the motion, and Complainant had no objections. Id.

“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)); *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. Under the circumstances, Respondent’s representations constitute good cause for an extension. *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 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 may file its answer by no later than 30 days from the issuance of this Order.

SO ORDERED.

Dated and entered on March 7, 2024.

Honorable John A Henderson
Administrative Law Judge