

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

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00049
UNIVERSITY OF CHICAGO)	
Respondent.)	
)	

Appearances: John M. Miano, JD, for Complainant¹
Bobby Earles, Esq., Carly E. Gibbons, Esq., and Ryan H. Vann, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION OF TIME

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent, University of Chicago, discriminated against it on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1).

On February 21, 2024, the Chief Administrative Hearing Officer sent by certified U.S. mail a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) to the address identified for Respondent in the complaint. The United States Postal Service website’s tracking information indicates that the complaint and NOCA were delivered to Respondent on February 26, 2024, making the answer due no later than March 27, 2024. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).²

On March 26, 2024, Respondent filed Notices of Appearance for three attorneys, and Respondent’s Motion for Extension of Time to File Answer and Affirmative Defenses by fax. In its Motion for Extension of Time, Respondent requests a 30-day extension until April 26, 2024,

¹ The Complaint lists John M. Miano, JD as the “attorney or authorized representative” for Complainant. To the extent that Mr. Miano is an attorney seeking to represent the Complainant in this matter, he must file a notice of appearance in compliance with the requirements of 28 C.F.R. § 68.33(f).

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

“based upon the need for time to prepare a response” and indicates that Complainant’s counsel does not object to the request. Mot. Extension 1.

“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); ³ 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)).

This Court has previously found good cause to extend the answer deadline when respondent requested additional time to review a lengthy complaint, *see e.g.*, Talebinejad, 17 OCAHO no. 1464 at 2, when counsel was recently retained, *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), and when the parties were engaged in settlement negotiations and required additional time to complete their discussions. *See e.g.* United States v. Black Belt Sec. & Investigations, LLC, 17 OCAHO no. 1456, 2 (2022).

Here, the motion for extension was timely filed, the Court does not find any prejudice would arise from extending the answer deadline in this case, Complainant does not object to the extension, and the length of extension is “not so great as to impact substantially these proceedings.” Space Exploration Techs., 18 OCAHO no. 1499 at 6. This is the first extension either party has requested and “the Court finds an absence of bad faith” given that Respondent filed its motion before the answer deadline. Id. at 7 (citing Fed. R. Civ. P. 6(b)(1)(A)). Together, these factors constitute good cause.

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 been 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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

The Court therefore GRANTS Respondent's motion for an extension of time to file an answer. Respondent must file its answer by no later than April 26, 2024.

SO ORDERED

Dated and entered March 27, 2024.

John A. Henderson
Administrative Law Judge