

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

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00022
)	
HENGSHENG CORPORATION,)	
Respondent.)	
)	

ORDER OF INQUIRY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, 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) against Respondent Hengsheng Corporation. Complainant alleges that Respondent discriminated against him on the basis of his national origin and citizenship status in violation of 8 U.S.C. § 1324b(a)(1).

On December 4, 2023, the Chief Administrative Hearing Officer (CAHO) sent by certified United States Postal Service (USPS) mail a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and the Complaint (the “Complaint package”) to the Respondent at the address for Respondent provided in the Complaint. The Complaint package was returned to the Court as undeliverable due to an insufficient address.

On January 31, 2024, the Court sent by USPS certified mail an additional Complaint package to a different address for the Respondent listed on the Immigrant and Employee Rights Section (IER) charge attached to the complaint. This copy of the Complaint package was also returned to the Court as “unclaimed” and “unable to forward.” There are no additional addresses for the Respondent listed on 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).

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

“OCAHO case law demonstrates that in instances when a complaint cannot be effectively served, it is dismissed without prejudice[.]” Heath v. Vbeyond Corp., 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)) (internal quotations omitted).² Accordingly, this Complaint may be dismissed if it cannot be effectively served.

As OCAHO is currently unable to serve the Complaint based on the information available to it, the undersigned directs Complainant to provide a working mailing address for Respondent. The Complainant must respond within 30 days of the issuance of this Order. In responding, Complainant may refer to 28 C.F.R. § 68.3(a) for a description of methods for OCAHO to serve the Complaint on a respondent-business.³

SO ORDERED.

Dated and entered on May 2, 2024.

John A. Henderson
Administrative Law Judge

² Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

³ On March 7, 2024, Complainant attempted to file an Annual Corporation Report, which included alternate addresses for Respondent and its officers. The Court rejected this filing because it included no proof of service, no case name, no case number, and did not contain a motion or request for the Court. Complainant may re-file this document in accordance with OCAHO’s filing requirements in response to this Order.