

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. 2024B00077
ZEBRA TECHNOLOGIES, CO.,)	
Respondent.)	
)	

Appearances: John M. Miano, JD, for Complainant
K. Edward Raleigh, Esq., and Patrick Shen, Esq. for Respondent

ORDER GRANTING EXTENSION

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 March 19, 2024, alleging that Respondent Zebra Technologies Company¹ discriminated on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1).

On April 3, 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 on the complaint.

On April 22, 2024, Respondent filed Respondent’s Motion for Extension to File Answer. In its Motion for Extension, Respondent indicates that it was served with the complaint on April 5, 2024, and requests a 30-day extension of its answer deadline, to which Complainant has already consented. Mot Extension 1. Respondent further indicates that counsel was recently retained and that there are “novel issues” involved. Id. at 2.

“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.”

¹ In its Complaint, Complainant identified Respondent as Zebra. In its motion for Extension to File Answer, Respondent identifies itself as Zebra Technologies Co. The case caption is amended to reflect Respondent company’s name as indicated in its motion.

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))²; *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. The Court has previously found good cause for extension of the answer deadline where 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). Although the Court has not received a filing from Complainant indicating whether it opposes the motion, Respondent’s motion indicates that Complainant has consented, the extension is relatively short, and the case is still in its early stages. 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 must file its answer by June 5, 2024

SO ORDERED.

Dated and entered May 2, 2024.

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 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>.