

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

June 3, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00072
)	
MESIROW,)	
Respondent.)	
_____)	

Appearances: John M. Miano, Esq., for Complainant
Stephen H. Smalley, Esq., and Vanessa N. Garrido, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION OF TIME

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 19, 2024, against Respondent, Mesirow.¹ Complainant alleges that Respondent engaged in discrimination based on citizenship status in hiring, in violation of 8 U.S.C. § 1324b(a)(1). On May 29, 2024, this Court issued an Order to Show Cause requiring Respondent to show cause for its untimely filed answer.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. On May 29, 2024, Respondent filed a Consent Motion for Extension of Time to Respond to Complainant’s May 13 motion, seeking until June 17, 2024, to respond to Complainant’s motion. Respondent asserts that it needs more time to review the motion, the motion is made for good cause and not for the purpose of delay, Respondent has not previously filed a motion, and Complainant agreed to the extension. Consent Mot. Extension Time 1-2.

Pursuant to 28 C.F.R. § 68.11(b),² a party may file a response to any motion within ten days after a written motion is served. Service is deemed effective at the time of mailing, but five days is

¹ In its Answer, Respondent indicates that the name of the company is Mesirow Financial Administrative Corp.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

added to the period when the service is by ordinary mail. 28 C.F.R. § 68.8(c). Accordingly, responses were due May 30, 2024.

“OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citations omitted).³ Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Id.* (citations omitted).

The Court finds that Respondent has shown good cause for an extension of the deadline to file a response to Complainant’s motion. Given that Complainant agreed to the motion, it is the first extension, and this short request is unlikely to impact the proceedings, the extension is GRANTED. *See, e.g., United States v. Space Expl. Techs. Corp.*, 18 OCAHO no. 1499, 7 (2023). Respondent is granted an extension up to and including June 17, 2024, to respond to Complainant’s Motion to Consolidate and for Leave to File a Consolidated Amended Complaint.

SO ORDERED.

Dated and entered on June 3, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

³ 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>.