

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

July 25, 2024

US TECH WORKERS, ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	OCAHO Case No. 2024B00088
	)	
	)	
CAST 21,	)	
Respondent.	)	
_____	)	

Appearances: John Miano, for Complainant  
No Appearances for Respondent

ORDER DISCHARGING ORDER TO SHOW CAUSE

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 et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 19, 2024, against Respondent, Cast 21. Complainant alleges Respondent engaged in discrimination based on citizenship status, in violation of 8 U.S.C. § 1324b(a)(1).

On April 1, 2024, OCAHO sent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and the Complaint by USPS certified mail to Respondent (Complaint listed Respondent's address). Service was unsuccessful.<sup>1</sup>

On May 16, 2024, this Court ordered Complainant to provide an address for Respondent. *US Tech Workers, et al. v. Cast 21*, 19 OCAHO no. 1571 (2024). Complainant did not respond.

On June 25, 2024, the Court issued an Order to Show Cause & Notice (Complaint May Be Dismissed), ordering Complainant to provide a working address for Respondent and submit a

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<sup>1</sup> Documents were "returned to sender... because the address was vacant or the business was no longer operating at the location and no further information was available."

filing demonstrating good cause as to why the Complaint should not be dismissed without prejudice by July 12, 2024. *US Tech Workers et al. v. Cast 21*, 19 OCAHO no. 1571a, 2 (2024).

On July 11, 2024, Complainant submitted a responsive filing. First, Complainant explained it did in fact submit (via mail) a response timely to the May 16, 2024 Order, and was unsure why it was not received. Resp. Order Inquiry 3. Complainant provides a new address for Respondent and an address for Respondent's registered agent. *Id.*

As a response to the Order to Show Cause, Complainant's July 11, 2024 response was timely.

"When considering untimely filed submission, the Court employs a standard of good cause in deciding whether to credit a party's explanation and exercise discretion in accepting a late filing." *Zajradhara v. Algeric Gen. Servs., LLC*, 16 OCAHO no. 1432f, 4 (2023) (internal citations omitted). Based on Complainant's submission, an anomaly in mail delivery appears to have caused the issue. This is certainly a plausible explanation and the Court has no reason to doubt the veracity of the claim. Complainant timely responded to the Order to Show Cause and provided the responsive information, demonstrating an intent or desire to continue pursuing this case in the forum.

The Complaint and Notice of Case Assignment will now be served on Respondent and Repondent's registered agent at the addresses provided by Complainant.

SO ORDERED.

Dated and entered on July 25, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge