

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

October 30, 2024

ARTIT WANGPERAWONG,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00007
)	
META PLATFORMS, INC.,)	
Respondent.)	
_____)	

Appearances: Artit Wangperawong, pro se Complainant
Eliza A. Kaiser, Esq., Matthew S. Dunn, Esq., and Amelia B. Munger, Esq., for
Respondent

ORDER GRANTING MOTION TO CONSOLIDATE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On October 3, 2023, Complainant, Artit Wangperawong, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Meta Platforms, Inc.

On October 15, 2024, the Court held a prehearing conference. At that prehearing conference, Respondent desired an opportunity to be heard on the Complainant's new, more recently filed, complaint (OCAHO Case No. 2024B00124) against Respondent (alleging different violations of 8 U.S.C. § 1324b).¹ Respondent's counsel made an oral motion to the Court to consolidate the two cases, arguing no prejudice to either party and potential increased efficiencies in discovery and case management.

Because this Complainant is pro se, the Court explained the effect of consolidation and informed Complainant he would be provided some time to consider and develop his position on the issue. Complainant was informed he had until October 28, 2024, to file a written submission outlining his position. Complainant timely provided a submission indicating he does not oppose consolidation of the two cases.

¹ The case referenced is currently docketed as *Wangperawong v. Meta Platforms, Inc.*, OCAHO Case No. 2024B00124.

I. LAW & ANALYSIS

28 C.F.R. § 68.16² permits consolidation where “the same or substantially similar evidence is relevant and material to the matters at issue” across both cases. “There is ample OCAHO case precedent for consolidating cases involving common parties, issues, and/or witnesses.” *Guzman v. Yakima Fruit & Cold Storage*, 9 OCAHO no. 1063, 3 (2000) (collecting cases).³ “When considering whether to consolidate cases, courts often consider factors such as the interest of justice, expeditious results, conservation of resources, avoiding inconsistent results, and conversely, whether consolidation would risk confusion, delay, or prejudice.” *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475d, 8 (2023) (citing 8 MOORE’S FEDERAL PRACTICE § 42.13). Consolidation may be appropriate when “two separate, but intimately related, cases” in which “[a] unitary evidentiary hearing will serve to explain, not obfuscate, factual disputes as a predicate for informed decision-making.” *Guzman*, 9 OCAHO no. 1063, at 3.

Here, the allegations in both complaints filed by Complainant against this Respondent arise from the same universe of facts. Complainant alleges Respondent fired him based on citizenship status (this Complaint), and then Respondent allegedly retaliated against Complainant after he filed his first Complaint when it did not select him for a vacant position (a new complaint). These are “two separate, but intimately related, cases,” akin to the cases consolidated in *Guzman*. The Court and parties can anticipate evidentiary overlap between the two cases, so adjudicating these actions together would promote judicial efficiency (to include streamlining discovery), and minimize confusion. The Court also considered that no party opposed consolidation.

Respondent’s Motion to Consolidate is GRANTED. The two complaints filed by Complainant against Respondent (OCAHO Case No. 2024B00007 and OCAHO Case No. 2024B00124) are CONSOLIDATED into one matter (now referred to only by OCAHO Case No. 2024B00007).

II. NOTICE – PENDING DEADLINES & CASE MANAGEMENT INFORMATION

With the consolidation of the two cases, parties shall no longer use the “newer” case number, and all filings shall utilize case number 2024B00007.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

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>.

Respondent shall have an opportunity to file an answer to the newest allegation. Per the Court's Amended Order Granting Motion for Extension of Time in former OCAHO Case No. 2024B00124, Respondent has until November 20, 2024, to file an answer addressing the allegations which originally appeared in the second complaint.

Should Respondent fail to file an answer to the new allegations or fail to demonstrate good cause for the late filing, "Respondent may be deemed to have waived its right to appear and contest the allegations of the complaint, and the ALJ may enter a judgment by default (as to that allegation) along with any and all appropriate relief." Notice of Case Assignment (Second Complaint), 3.

Parties shall attend the previously scheduled prehearing conference on November 6, 2024.

SO ORDERED.

Dated and entered on October 30, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge