

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

November 13, 2024

ZAJI OBATALA ZAJRADHARA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00107
	)	
	)	
EFG PACIFIC HOLDINGS, LLC.,	)	
Respondent.	)	
_____	)	

Appearances: Zaji O. Zajradhara, pro se Complainant  
Stephen J. Nutting, Esq., for Respondent

ORDER TO SHOW CAUSE FOR FAILURE TO TIMELY FILE ANSWER

I. BACKGROUND

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b.

On May 17, 2024, Complainant filed a complaint alleging that Respondent violated 8 U.S.C. §§ 1324b(a)(1)(A), (B) and (a)(5) by discriminating against him based on national origin, citizenship status, and by retaliating against him.

In his complaint, Complainant provided an address on Nauru Loop, Saipan, MP, for Respondent.

On June 11, 2024, the Court attempted to serve Respondent at the Nauru Loop address via United States Postal Service certified mail with a copy of the complaint and the Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) (collectively, the complaint package). The Court requested a tracking number for the complaint package. The mail tracking information for the complaint package indicates that it arrived at the post office in Saipan on June 28, 2024, but that there was an “insufficient address.”

On July 9, 2024, the Court issued an Order of Inquiry, ordering Complainant to provide a working address for Respondent or Respondent's registered agent. *Zajradhara v. EFG Pacific Holdings, LLC*, 20 OCAHO no. 1596, 2 (2024).<sup>1</sup>

On August 27, 2024, Complainant submitted his Laymans' Response to Order of Inquiry. Although the filing primarily contained substantive arguments, Complainant also identified an alternative mailing address for Respondent, consisting of a Post Office box.

On September 10, 2024, the Court re-issued the Complaint and Notice of Case Assignment (collectively the complaint package) to the Post Office box address identified for Respondent, via United States Postal Service certified mail. The mail tracking information for this second complaint package indicates that it was delivered on September 19, 2024, when an individual picked it up.

On October 30, 2024, Respondent, through counsel, filed an Entry of Appearance and Answer to Complaint.

## II. LEGAL STANDARDS AND DISCUSSION

Under OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), Respondents have "thirty (30) days after the service of a complaint . . . to file an answer," 28 C.F.R. § 68.9(a), and service of the complaint is "complete upon receipt by addressee." 28 C.F.R. § 68.3(b).

"Failure of the respondent to file an answer within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegation of the complaint" and the Administrative Law Judge may enter default. 28 C.F.R. § 68.9(b). However, "it has long been OCAHO's practice to issue an order to show cause before entering a default." *United States v. Patch Sub, LLC*, 18 OCAHO no. 1512, 2 (203 (citing *United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444, 445 (1989) (Vacating order denying default judgement))).

Because the US Postal Service tracking information indicates that Respondent was served on September 19, 2024, Respondent's answer deadline was October 21, 2024.<sup>2</sup> Respondent filed its Answer nine days late, without proffering any good cause for its delay. Although the Court is

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<sup>1</sup> 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>.

<sup>2</sup> October 19, 2024, is a Saturday, thus the deadline is the next business day, Monday, October 21, 2024. See 28 C.F.R. § 68.8(a).

cognizant of the impact potential mail delays from Saipan may have on filing, the certificate of service for the Answer indicates it was mailed on October 17, 2024, only four days before the answer deadline, a period of time unlikely to result in timely filing.

The Court therefore ORDERS Respondent to submit a filing demonstrating good cause for its failure to timely file an Answer. Respondent's filing must be received by this Court by January 12, 2025.

SO ORDERED.

Dated and entered on November 13, 2024.

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Honorable Jean C. King  
Chief Administrative Law Judge