

ZAJI ZAJRADHARA,
 Complainant,
 v.
 JIN JOO CORPORATION,
 Respondent.

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8 U.S.C. § 1324b Proceeding
 OCAHO Case No. 2024B00013

² An answer filed at this juncture would be untimely; however, Respondent would not be precluded from submitting an untimely answer with an explanation providing good cause for the delay. *See United States v. Corrales-Hernandez*, 17 OCAHO no. 1454, 3 (2022).

On April 30, 2024, the Court issued an Order to Show Cause – Jurisdiction, noting first, the Complaint alleged Respondent had at least 15 employees, *Zajradhara v. Jin Joo Corp.*, 19 OCAHO no. 1554, 3 (2024);³ Compl. 4, and second, that Complainant had not “articulate[d] the alleged retaliatory action and its connection to § 1324b,” *Zajradhara*, 19 OCAHO no. 1554 at 3. The Court ordered Complainant to submit a filing explaining why his national origin discrimination claim should not be dismissed based on a lack of subject matter jurisdiction and why his retaliation claim should not be dismissed for failure to state a claim upon which relief can be granted. *Id.*

On June 12, 2024, Complainant filed Layman’s Response to Court’s Order on Jurisdiction. In his Response, Complainant states that there was “a clerical error in the original Complaint concerning the number of individuals employed by the [Respondent,” and that, in fact, Respondent “employs between 4 and 14 employees” Resp. Order Show Cause 2.

On August 8, 2024, the Court issued an Order Granting Complainant Leave to Amend His Complaint & Dismissing Retaliation Claim. *Zajradhara v. Jin Joo Corp.*, 19 OCAHO no. 1554a (2024). The Court found that, based on Complainant’s Response, he might be able to cure the pleading deficiencies related to his national origin claim, and gave him the opportunity to file an Amended Complaint by October 15, 2024. *Id.* at 2. The Court also dismissed Complainant’s retaliation claim without prejudice. *Id.* at 2-3.

To date, Complainant has not filed his Amended Complaint.

II. DISCUSSION

A. National Origin Claim Dismissed

In its August 8, 2024, the Court gave Complainant an opportunity to amend his Complaint to cure the jurisdictional deficiency in his national origin claim. However, the deadline set in that Order has now passed and Complainant has not filed an Amended Complaint. Nor has Complainant communicated with the Court to offer any explanation regarding his failure to submit an Amended Complaint. “Without a complaint pleading the correct factual information demonstrating jurisdiction, the Court cannot adjudicate that portion of the complaint. Stated a different way, the Court will not amend a complaint on behalf of a litigant.” *Zajradhara v. Manbin Corp.*, 19 OCAHO no. 1553c, 3 (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>.

Because Complainant failed to file an Amended Complaint to cure the jurisdictional deficiency, his national origin claim is DISMISSED without prejudice. Consequently, Complainant may “reinstate the matter at any time by filing a new complaint.” *Zajradhara v. CL Corp.*, 16 OCAHO no. 1429, 3 (2022) (citation omitted).

B. Order to Show Cause - Answer

Under OCAHO’s Rules of Practice and Procedure, to contest a material fact alleged in the complaint or a penalty assessment, a respondent must file an answer. 28 C.F.R. § 68.9(c). A respondent must file an answer within thirty days of being served with a complaint. 28 C.F.R. § 68.9(a). One of the ways that this Court may perfect service is by “mailing to the last known address” of the Respondent. 28 C.F.R. § 68.3(a)(3).

Here, Respondent’s answer deadline was December 15, 2023, but to date, Respondent has not filed an Answer.

Failure to file an answer “within the time provided may be deemed to constitute a waiver of [a Respondent’s] right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b).

Respondent is ORDERED to file an Answer, pursuant to 28 C.F.R. § 68.9(c), and a submission demonstrating good cause for its failure to timely file an Answer, within 45 days of receipt of this Order. Failure to do so may result in default judgment against Respondent on the remaining allegation.

SO ORDERED.

Dated and entered on November 14, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge