

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

December 3, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2024A00129
)	
CHELMONT AUTO CENTER, LLC,)	
Respondent.)	
)	

ORDER TO SHOW CAUSE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on September 12, 2024, against Respondent Chelmont Auto Center, LLC, alleging it violated 8 U.S.C. § 1324a(a)(1)(B).

On September 26, 2024, the Chief Administrative Hearing Officer sent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices and a copy of the Complaint (the “Complaint package”) by United States Postal Service (USPS) certified mail to an address provided by the Complainant in the Complaint. USPS tracking data shows the Complaint package was delivered and left with an individual at the address provided on October 7, 2024.

The Complaint package notified Respondent that it “has the right to file an answer to the complaint” and that this answer “must be filed within thirty (30) days after receipt of the attached complaint” Notice Case Assignment 3 (citing 28 C.F.R. §§ 68.3(b), 68.9).¹ The CAHO also warned Respondent that if it “fail[ed] to file an answer within the time provided, the Respondent may be deemed to have waived its right to appear and contest the allegations of the complaint, and the Administrative Law Judge may enter a judgment by default along with any and all appropriate relief.” *Id.* (citing 28 C.F.R. § 68.9(b)).

Because Respondent received the Complaint package on October 7, 2024, its answer was due by November 6, 2024. To date, Respondent has not filed an answer.

¹ OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

“A party that fails to answer a complaint within the time specified is already in default[.]” *United States v. Quickstuff, LLC*, 11 OCAHO no. 1265, 4 (2015) (citation omitted).² OCAHO’s regulations then authorize the Administrative Law Judge to enter a judgment by default. 28 C.F.R. § 68.9(b). “If a default judgment is entered . . . judgment is entered for the complainant without a hearing.” *United States v. Cabello Recovery & Auction Servs., Inc.*, 18 OCAHO no. 1514, 2 (2024) (quoting *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004); *United States v. Glen Echo Pharmacy, Inc.*, 18 OCAHO no. 1520, 2 (2024) (same)). Additionally, “a request for hearing may be dismissed upon its abandonment by the party . . . who filed it” if a “party or its representative fails to respond to orders issued by the Administrative Law Judge.” 28 C.F.R. § 68.37.

The Court therefore ORDERS Respondent, Chelmont Auto Center, LLC, to file an answer that satisfies 28 C.F.R. § 68.9(c) within twenty-one (21) days of this Order. This answer should include (1) “[a] statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation” and (2) “[a] statement of facts supporting each affirmative defense.” 28 C.F.R. § 68.9(c)(1)–(2).

The Court FURTHER ORDERS Respondent, Chelmont Auto Center, LLC, to demonstrate good cause within twenty-one (21) days of this Order for not timely filing an answer. *See United States v. ALCO Constr., Inc.*, 18 OCAHO no. 1517, 4 (2024) (requiring a showing of good cause for failure to timely file an answer).

If Respondent does not file an answer and show good cause for its initial failure to timely file an answer, the Court may enter a default judgment against Respondent or dismiss the request for hearing pursuant to 28 C.F.R. §§ 68.9(b) and 68.37.

SO ORDERED.

Dated and entered on December 3, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² 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 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.