

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

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00047
)	
)	
RHEAPLY, INC.,)	
Respondent.)	
)	

Appearance: John M. Miano, Esq., for Complainant
Virat Gupta, Esq., and Ryan H. Vann, Esq., for Respondent

ORDER ON MOTION TO CONSOLIDATE

I. BACKGROUND

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 filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent Rheaply, Inc. on February 9, 2024. Complainant alleges that Respondent discriminated in hiring on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). On May 29, 2024, Respondent timely filed an Answer and Affirmative Defenses. On the same day, Respondent also filed a Motion to Dismiss. Complainant opposed the motion to dismiss, filing its opposition on June 12, 2024.

On July 18, 2024, the Court stayed the proceedings pending resolution of the motions to consolidate and to dismiss. Id. at 3–4.

II. LAW & ANALYSIS – CONSOLIDATION

The undersigned recently issued an order in US Tech Workers et al. v. Fifth Third Bank, 19 OCAHO no. 1550a (2024), in which the Court denied Complainant’s Motion to Consolidate on the grounds that the complaints did not raise a common question of law or fact, and that even if they did, the traditional factors supporting consolidation of cases were not present in this case. The Court hereby adopts the same reasoning to DENY Complainant’s Motion to Consolidate in this case.

III. INVITATION TO PROVIDE ADDITIONAL BRIEFING ON MOTION TO DISMISS

In the undersigned's recent order denying the motion to consolidate in US Tech Workers et al. v. Fifth Third Bank, the Court noted that it reserved for another day the question of whether a claim of advertising discrimination was cognizable under § 1324b, and whether the Complainant sufficiently pled such a claim to survive a motion to dismiss under 28 C.F.R. § 68.10. The undersigned noted that it did not have the benefit of briefing from the parties on this issue. The Court now invites the parties to provide additional briefing on these questions. Any submission must be provided to the Court by no later than three weeks from the date of the issuance of this Order. The Court further notes that, excepting the invitation for additional briefing, the stay of proceedings previously entered in this matter remains in effect.

SO ORDERED.

Dated and entered on December 30, 2024.

Honorable John A. Henderson
Administrative Law Judge