

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

February 18, 2025

US TECH WORKERS ET AL,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2025B00004
)	
SLALOM, INC.,)	
Respondent.)	
)	

Appearances: John M. Miano, Esq., for Complainant
Jeffrey James, Esq., for Respondent

ORDER ACCEPTING LATE-FILED ANSWER AND GRANTING E-FILEING STATUS

This case arises under the employment discrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On October 9, 2024, Complainant, US Tech Workers, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, Slalom, Inc., violated 8 U.S.C. § 1324b(a)(1)(B).

According to the mail tracking information, both Respondent company and Respondent's counsel received the Complaint package on November 26, 2024, with an Answer due December 31, 2024.

On January 29, 2025, Respondent filed a Motion to Extend Time to Answer stating that "Counsel erred by not submitting Slalom's Answer along with the Motion to Dismiss," which was "overlooked . . . and only just discovered." Respondent "requests that the Court . . . accept the filing of the Answer (which was attached to the Motion)." Mot. Extend 1.

Under OCAHO's Rules of Practice and Procedure, a respondent has 30 days from service of the Complaint to file an Answer. 28 C.F.R. § 68.9(a).¹ Failure to file an answer "within the time period provided may be deemed a waiver of [Respondent's] right to appear and contest the

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO's webpage on the United States Department of Justice's website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b).

“When considering whether accept ‘untimely filed submissions, the Court employs a standard of good cause.’” *United States v. Tx Pollo Feliz*, 18 OCAHO no. 1503, 2 (2023). The Court may “consider[] the circumstances under which the answer was late-filed.” *Id.* Here, the failure to timely file the Answer was borne out of oversight, and Respondent’s counsel immediately took responsibility and candidly informed the Court of the oversight, conduct which merits favorable consideration. Further, Complainant did not submit an opposition to the motion, and thus the Court also deems Respondent’s Motion unopposed (A party’s decision to file nothing in response to a motion may be treated as tacit confirmation they do not believe they will be prejudiced should the motion be granted.).

The Court finds good cause to accept Respondent’s late-filed answer. Parties may anticipate a prehearing conference scheduling order.

Separately, on February 15, 2025, both parties registered for the Court’s voluntary electronic filing program. Parties are granted e-filing status, and they shall electronically file all filings in this case in accordance with the e-filing program instructions, unless otherwise permitted by the Court or its designee.²

SO ORDERED.

Dated and entered on February 18, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² Information on OCAHO’s Electronic Filing Pilot Program may be found on OCAHO’s filing page on the United States Department of Justice’s website. *See* <https://www.justice.gov/eoir/ocaho-filing>.