

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

February 19, 2025

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

ORDER DISMISSING REQUEST FOR HEARING

I. PROCEDURAL HISTORY

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

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

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.

On December 3, 2024, the Court issued an Order to Show Cause through which it ordered Respondent to file an answer and demonstrate good cause for its failure to timely file. *United States v. Chelmont Auto Ctr., LLC*, 21 OCAHO no. 1624 (2024).² The Order provided Respondent with twenty-one days to submit a response, making a submission due by December 24, 2024. Respondent did not respond to the Order to Show Cause.

On January 23, 2025, the Court issued a Second Notice and Order to Show Cause. *United States v. Chelmont Auto Ctr., LLC*, 21 OCAHO no. 1624a (2025). Through that Order, the Court gave Respondent an additional twenty-one days to file an answer and show good cause. *Id.* at 2. To date the Court has not received a submission from Respondent.

II. DISCUSSION

In its previous order, the Court warned that “a request for hearing may be dismissed upon its abandonment by the party . . . w ho filed it” if a “party or its representative fails to respond to orders issued by the Administrative Law Judge.” *Chelmont Auto Ctr. LLC*, 21 OCAHO no. 1624, at 2 (quoting 28 C.F.R. § 68.37). Moreover, “[i]f the Court deems Respondent’s request for hearing abandoned, ‘the [Notice of Intent to Fine (NIF)] becomes the final order, and the NIF service date would be the date of assessment.’” *United States v. MSNF Foods 4 LLC*, 17 OCAHO no. 1459d, 2 (2023) (quoting *United States v. Edgemont Grp., LLC*, 17 OCAHO no. 1470b, 6 n.9 (2023) (CAHO order)).

This Court has issued dismissals for abandonment in similar situations where a respondent failed to respond to Court orders. *See United States v. Alco Constr., Inc.*, 18 OCAHO no. 1517a, 5-6 (2025) (compiling cases); *see, e.g., United States v. Dubose Drilling, Inc.*, 18 OCAHO no. 1487b (2025) (dismissing case where respondent did not file an answer or respond to orders to show cause).

² Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Here, because Respondent has not participated in these proceedings, including by responding to the Court's two Orders to Show Cause, the Court finds that Respondent has abandoned its request for a hearing pursuant to 28 C.F.R. § 68.37(b)(1).³

Accordingly, the Complaint is DISMISSED, and the NIF becomes the final agency order in this matter.

SO ORDERED.

Dated and entered on February 19, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

³ 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>.

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.