

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

January 15, 2025

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2025B00009
)	
)	
GENSLER,)	
Respondent.)	
)	

Appearances: John Miano, Esq., for Complainant
Eric S. Bord, Esq., Eric L. Mackie, Esq., and Hannah Fisher, Esq., for Respondent

ORDER GRANTING RESPONDENT'S MOTION FOR EXTENSION

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), 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) against Respondent, Gensler. Complainant alleges Respondent discriminated based on citizenship status in violation of 8 U.S.C. § 1324b.

On December 26, 2024, Respondent filed “Respondent Gensler’s Unopposed Motion for Extension of Time to File Responsive Pleading,” in which it “respectfully moves . . . for a 30-day extension of time to file its responsive pleading” to the Complaint. Mot. Extension 1. Respondent cites “the . . . holidays, and counsel’s unavailability due to international travel” as good cause for an extension to file its answer. *Id.* at 2. Respondent’s motion asserts Complainant does not oppose the extension, but it is not a joint motion, and Respondent provides no evidence of such non-opposition. As a courtesy, parties were informed that, absent a motion filed jointly, or filed with evidence it is unopposed, Complainant would be afforded the full response time. On December 30, 2024, Complainant informed the Court it does not oppose the extension.¹

¹ When a motion will be unopposed, parties should consider filing it jointly, or with evidence demonstrating the other party assents to the request. This did not occur here, and the Court exercised its discretion in deviating from procedure (accepting emails from Counsel) as a courtesy.

Here, Respondent asks for an extension of time to file an answer in advance of the deadlines, and provides good cause for the extension, noting limited availability due to travel and holidays.² The Respondent demonstrates diligence in making the request timely, and the amount of time is reasonable based on the proffered issues. *See, e.g., United States v. Brulotte Farms, Inc.*, 19 OCAHO no. 1527, 1–2 (2024).³ Further, the motion was unopposed, indicating Complainant does not believe it would be prejudiced by the extension.

The Court GRANTS Respondent's Motion for Extension.

Respondent's Answer is now due on February 5, 2025.

SO ORDERED.

Dated and entered on January 15, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² “OCAHO’s Rule of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States v. Space Exploration Techs.*, 18 OCAHO no. 1499, 5 (2023) (internal quotations omitted).

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>.