

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

March 25, 2025

ZAJI ZAJRADHARA,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2025B00017
)	
)	
ITS CORPORATION,)	
Respondent.)	
_____)	

Appearances: Zaji Zajradhara, pro se Complainant
Janet H. King, Esq., for Respondent

ORDER DISCHARGING ORDER TO SHOW CAUSE

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On November 19, 2024, Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, ITS Corporation, alleging discrimination on the basis of national origin and citizenship status, in violation of 8 U.S.C. § 1324b(a)(1).

On December 3, 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 (NOCA) by United States Postal Service (USPS) certified mail to an address provided by the Complainant in the complaint. The NOCA informed Respondent that it had thirty days to file an answer and that failure to do so could result in default judgment being entered against it. Notice Case Assign. 3 (citing 28 C.F.R. §§ 68.3(b), 68.9(a–b)).¹ USPS tracking data shows the NOCA was delivered and picked up by an individual at a post office in Saipan, CNMI, on December 18, 2024. Therefore, Respondent’s answer was due by January 17, 2025.

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

On February 10, 2025, with no submission from Respondent, the Court issued an Order to Show Cause. *Zajradhara v. ITS Corp.*, 21 OCAHO no. 1646 (2025).² The Order provided Respondent with twenty-one days to file an answer and demonstrate good cause for its untimely filing. *Id.* at 2.

On March 17, 2025, Respondent filed a Notice of Appearance for Counsel, as well as its Answer and Affirmative Defenses and Response to the Order to Show Cause. In its Response to the Order to Show Cause, Respondent acknowledges the late filing but explains that this was due to its initially unsuccessful attempt to retain legal counsel. Resp. OTSC 5. Respondent tried to contact counsel, but the office was closed, so Respondent attempted to file a motion for extension of time on its own. *Id.* This Court rejected the answer due to a lack of certificate of service. *Id.* Once Respondent retained counsel on February 28, 2025, *id.* at 2, counsel promptly prepared and submitted the answer and response to the Court's Order to Show Cause.³

II. DISCHARGING ORDER TO SHOW CAUSE

“A party that fails to answer a complaint within the time specified is already in default, whether or not that fact is officially noted.” *United States v. Quickstuff, LLC*, 11 OCAHO no. 1265, 4 (2015). The default must be excused before the party is permitted to answer. *Id.* (citing 10A Charles Alan Wright, Arthur Miller, & Mary Kay Kane, *Federal Practice and Procedure* § 2692, at 85 (3d ed. 1998) (hereinafter Wright & Miller)). A Respondent must show good cause to permit acceptance of a late answer. *Id.*

In determining whether good cause exists to set aside an entry of default, OCAHO Administrative Law Judges (ALJs) have considered: (1) whether there was culpable or willful conduct; (2) whether setting the default aside would prejudice the adversary; and (3) whether the defaulting party presents a meritorious defense to the action. *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 2–3 (2004) (citing *Kanti v. Patel*, 8 OCAHO no. 1007, 166, 168 (1998)).

The Court finds that Respondent has demonstrated good cause for its failure to file a timely answer. Respondent showed that it intends to pursue the case and did not willfully avoid complying with the Order. The case is at an early stage and no prejudice has been shown, Respondent attempted to file a motion for extension of time pro se, and Complainant has not sought a default judgment.

² Citations to OCAHO precedents after volume eight, where the decision has not yet been reprinted in a bound volume, include the volume and case number of the decision. Pinpoint citations 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>.

³ Respondent indicated in the motion that it had attached a declaration as an exhibit, but no exhibit was submitted with the motion. As the Court’s records support that Respondent attempted to file a document pro se, the Court will accept counsel’s representation.

Lastly, Respondent's Answer includes a number of affirmative defenses. Accordingly, the Order to Show Cause is DISCHARGED and the Answer is accepted.

SO ORDERED.

Dated and entered on March 25, 2025.

Honorable Jean C. King
Chief Administrative Law Judge