

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

November 30, 2022

SOPHIE ACKERMANN,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00004
)	
MINDLANCE, INC.,)	
Respondent.)	
_____)	

Appearances: Sophie Ackermann, pro se Complainant
Kathryne Hemmings Pope, Esq., for Respondent

ORDER GRANTING EXTENSION OF TIME TO RESPOND TO COMPLAINT

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On October 28, 2022, Complainant Sophie Ackermann filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting claims of discrimination, retaliation, and unfair documentary practices arising under 8 U.S.C. § 1324b against Respondent Mindlace, Inc.

On October 31, 2022, this office sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA) and a copy of the complaint via U.S. certified mail. According to the United States Postal Service, these documents were served upon Respondent on November 3, 2022, making Respondent's answer due on December 3, 2022. See 28 C.F.R. § 68.9.

On November 30, 2022, this office received Respondent's Motion for Extension of Time to Respond to Complaint. Attorney Kathryne Hemmings Pope, Esq. attached a Notice of Appearance on behalf of Respondent, and represented that her office was just recently retained to represent Respondent on November 21, 2022. Accordingly, she requested a thirty (30) day extension of time to file an answer.

"OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause." *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)

(citations omitted).¹ Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Id.* (citations omitted).

The Court finds that Respondent has demonstrated good cause for an extension of time to file an answer, as counsel was only recently retained in the matter. Accordingly, the Court will GRANT Respondent an extension of time to file an answer. Respondent may file its answer no later than thirty (30) days from the issuance of this order. The Court cautions that a failure to answer by the reset deadline “may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint,” and the ALJ “may enter a judgment by default.” 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on November 30, 2022.

Honorable Jean C. King
Chief Administrative Law Judge

¹ 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 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.