

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

May 7, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00076
)	
)	
IO DATASPHERE, INC.,)	
Respondent,)	
)	

ORDER ON RESPONDENT'S MOTION TO EXTEND FILING AN ANSWER

I. BACKGROUND

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant, US Tech Workers et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, “IO Datasphere,”¹ on March 19, 2024. Complainant alleges Respondent discriminated on the basis of citizenship status (hiring) in violation of 8 U.S.C. § 1324b(a)(1).

On April 1, 2024, the Chief Administrative Hearing Officer (CAHO) sent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and the Complaint (the “Complaint package”) to Respondent by United States Postal Service (USPS) certified mail. The USPS tracking service website indicates the Complaint package was retrieved on April 12, 2024. Respondent’s answer is due by May 12, 2024. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).

¹ The Complaint lists Respondent’s name as “IODatasphere.” However, Respondent’s Motion to Extend Filing an Answer lists the company’s name as “IO Datasphere, Inc.” The Court will change the case caption to accurately reflect the Respondent business name.

On May 2, 2024, Respondent filed a “Motion to Extend Filing an Answer.”² Respondent would like additional time to obtain counsel and research the basis of the Complaint. Mot. Extend Filing Answer 1. Respondent notes it did not receive notification of the Immigrant and Employee Rights Section (IER) charge, and only learned of the allegations on April 17, 2024. *Id.* Respondent requests a ninety (90) day extension of the answer deadline.

II. EXTENSION REQUEST

“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.” *US Tech Workers et al. v. Walgreens*, 19 OCAHO no. 1541, 2 (2024) (quoting *United States v. Space Exploration Techs.*, 18 OCAHO no. 1499, 5 (2023)) (internal quotations omitted).³ “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 within the time specified in the rules.’” *Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

Here, Respondent asks for an extension of time to file an answer. He cites his desire to obtain counsel prior to filing an answer, noting he recently learned of the allegations. An extension is

² Respondent’s filing contained several filing deficiencies: the filing did not include a case caption with the case name and number, nor did it contain a separate certificate of service. Considering Respondent’s pro se status, the Court has exercised discretion to accept this filing.

To assist with future filings, the Court has enclosed with this order a sample certificate of service. Respondent is encouraged to review OCAHO’s Practice Manual, available at <https://www.justice.gov/eoir/reference-materials/ocaho>, as well as OCAHO’s Rules of Practice and Procedure for Administrative Hearing, available at <https://www.govinfo.gov/content/pkg/CFR-2023-title28-vol2/pdf/CFR-2023-title28-vol2-part68.pdf>, and to contact the Court with questions regarding filing.

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>.

appropriate when a party indicates it intends to seek counsel. *See, e.g., United States v. Hernandez*, 8 OCAHO no. 1043, 660, 661 (2000); *United States v. Reyes*, 4 OCAHO no. 592, 3 (1994). The Respondent here requests 90 days; and the Court is inclined to give him the full amount of time requested with the understanding he will expeditiously obtain counsel. Respondent should be advised the Court expects his future counsel to file an answer within the revised deadline, and would apply appropriate scrutiny to additional extension requests to file an answer given the length of the extension provided here.

Respondent's Motion to Extend Filing an Answer is GRANTED. Respondent's answer is due by August 10, 2024.

III. RESPONDENT'S ADDRESS AND ELECTRONIC FILING

On May 3, 2024, Respondent filed a Notice of Additional Address. This Order will be mailed to the addresses for Respondent listed in this filing. The Court has also attached certification and registration forms for OCAHO's Electronic Filing Pilot Program⁴ to this Order, as well as instructions for electronic filing and for decrypting secure messages. The parties are encouraged to register for electronic filing, to avoid any future delays associated with mail filing.

SO ORDERED.

Dated and entered on May 7, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁴ See Office of the Chief Administrative Hearing Officer Electronic Filing Pilot Program, 79 Fed. Reg. 31143 (May 30, 2014), available at https://www.justice.gov/eoir/pages/attachments/2015/03/24/79fedreg31143_05-30-2014.pdf.