

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. 2024B00085
	)	
	)	
ILLINOIS INSTITUTE OF TECHNOLOGY,	)	
Respondent.	)	
_____	)	

Appearances: No Notice of Appearance Entered, for Complainant  
David A. Calles Smith, Sarah J. Millsap, and Amy L. Peck, for Respondent

ORDER GRANTING EXTENSION OF TIME TO FILE 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, Illinois Institute of Technology 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 2, 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 to Respondent by United States Postal Service (USPS) certified mail. The USPS tracking service website indicates service on April 5, 2024.<sup>1</sup> Respondent's answer is due by May 7, 2024. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).

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<sup>1</sup> In its Motion for Extension of Responsive Pleading Deadline, Respondent references a service date of April 8, 2024. In any event, its Motion was filed in advance of the deadline.

On May 2, 2024, Respondent filed a Motion of Extension of Pleading Deadline. As rationale for the extension request, Respondent states it recently retained counsel and “counsel requires additional time to evaluate the allegations in the Complaint and prepare a responsive pleading.” Mot. Extension 1. Respondent requests a thirty-day extension.

## 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).<sup>2</sup> “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)).

Respondent cites recent retention of counsel as good cause for an extension, noting “the purpose of [the] motion is not to delay proceedings but to promote efficient of the complex nature of the allegations in the complaint.” Mot. Extension 1. The Court has previously found good cause for extending the answer deadline where counsel was recently retained. *See, e.g., U.S. Tech Workers et al. v. Avant, LLC*, 19 OCAHO no. 1537 (2024) (granting extension where counsel was recently retained); *Lowden, Jr., v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023).

Respondent’s Motion is GRANTED. Respondent must file its answer by June 10, 2024.

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<sup>2</sup> 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>.

SO ORDERED.

Dated and entered on May 7, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge