

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. 2024B00087
)	
)	
DANIEL J. EDELMAN HOLDINGS, INC.,)	
Respondent.)	
_____)	

Appearances: No Notice of Appearance Entered, for Complainant
Raymond C. Baldwin, Esq., and Christine Constantino, Esq. for Respondent

ORDER GRANTING EXTENSION – ANSWER DEADLINE

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, Daniel J. Edelman Holdings, Inc.,¹ on March 19, 2024. Complainant alleges that 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 to Respondent by United States Postal Service (USPS) certified mail. The USPS tracking service website indicates the Complaint package was delivered on April 5, 2024. Respondent’s answer is due by May 5, 2024. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).²

¹ The Complaint identifies the Respondent as “Edelman,” but counsel for Respondent writes in its Notice of Appearance that the correct name for the Respondent is Daniel J. Edelman Holdings, Inc. The case caption has been amended accordingly.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

On May 3, 2024, Respondent filed Respondent’s Consent Motion for Extension of Time to Respond to Complainant’s Complaint. Respondent requests an extension to file an answer until May 20, 2024 because it recently retained counsel and that counsel’s previously-scheduled court appearances would preclude him from timely filing an answer. Consent Mot. Extension 1–2.

“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.” *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, citing recent retention of counsel and other court obligations. OCAHO has previously found this rationale to be good cause to grant an extension. *See, e.g., US Tech Workers et al. v. Avant, LLC*, 19 OCAHO no. 1537, 2 (2024) (collecting cases). Respondent asserts Complainant does not oppose this extension, but provides no affidavit or evidence from Complainant to that effect. Future unopposed motions should be accompanied by evidence of non-opposition.

Respondent’s Motion is GRANTED. Respondent’s answer is due by May 20, 2024.

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>.

SO ORDERED.

Dated and entered on May 7, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge