

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00070
)	
NORTHWESTERN MEDICINE,)	
Respondent.)	
)	

ORDER ON AGREED MOTION FOR EXTENSION OF TIME

On April 8, 2024, the Chief Administrative Hearing Officer (CAHO) sent a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) to the Respondent by United States Postal Service (USPS) certified mail. The USPS tracking website indicates that the NOCA and Complaint sent to Respondent have been “in transit to next facility” since April 16, 2024. The Court received a PS Form 3811, Domestic Return Receipt, which was signed by “USPS” on April 13, 2024. Given ambiguity regarding service, on May 2, 2024, the Court re-sent the NOCA and Complaint to Respondent by certified mail. The USPS website indicates that this NOCA and Complaint copy remain in transit.

¹ The Complaint lists John M. Miano, JD as the “attorney or authorized representative” for Complainant. To the extent that Mr. Miano is an attorney seeking to represent the Complainant in this matter, he must file a notice of appearance in compliance with the requirements of 28 C.F.R. § 68.33(f).

On May 7, 2024, Respondent filed an Agreed Motion for Extension of Time. Respondent asserts that it was served with the Complaint by certified mail on or about April 17, 2024, and that therefore, the deadline to file an answer is May 17, 2024. Agreed Mot. Extension Time 1; *see also* 28 C.F.R. § 68.9(a).² The Court accepts Respondent’s proffer that the Complaint was served by certified mail on or about April 17, 2024. *See, e.g., Y.Y. v. Zuora, Inc.*, 15 OCAHO no. 1402, 5 (2021); 28 C.F.R. § 68.3(b) (service of a complaint is complete upon its receipt by the addressee). Respondent requests a 30-day extension to file an answer to the Complaint until June 17, 2024, due to counsel’s work and travel obligations through May and June. Agreed Mot. Extension Time 1–2. Respondent asserts that Complainant’s counsel was made aware of the extension request, and had no objection. *Id.* at 2.

“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).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 with the time specified in the rule.” *Id.* (citations omitted).

The Court finds that Respondent has shown good cause for an extension of the deadline to file an answer to the Complaint in this matter. Respondent’s counsel asserts that it requires “more time to assess and respond to the Complaint’s allegations,” given counsel’s work and travel obligations, and that opposing counsel has no objection. Given this explanation, and the short period of time requested, the Court finds good cause for a 30-day extension of the answer deadline. *See, e.g., United States v. Space Exploration Techs. Corp.*, 18 OCAHO no. 1499, 7 (2023) (finding good cause for extension of answer deadline where the motion was agreed, it was the first requested extension, and the request for 30 days was unlikely to substantially impact the proceedings).

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

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 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/ocahosisbpage.htm#PubDecOrders>.

Respondent's Agreed Motion for Extension of Time is GRANTED, and Respondent's answer deadline is EXTENDED until June 17, 2024.

SO ORDERED.

Dated and entered on May 9, 2024.

Honorable Jean C. King
Chief Administrative Law Judge