

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

May 13, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00074
)	
MATTER,)	
Respondent.)	
_____)	

Appearances: John M. Miano, JD, for Complainant¹
Ryan H. Vann, Esq. and Carly E. Gibbons, Esq. for Respondent

ORDER GRANTING MOTION FOR EXTENSION OF TIME

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, et al., filed a complaint against Respondent, Matter, on March 19, 2024, alleging citizenship discrimination in hiring.

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 were delivered on April 12, 2024.

On May 9, 2024, Respondent filed a Motion for Extension of Time. Respondent requests a 30-day extension to file an answer to the Complaint, which is due May 12, due to counsel’s need to prepare a response. Mot. Extension Time 1. Respondent asserts that Complainant’s counsel was made aware of the extension request, and had no objection. *Id.* at 2.

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).

“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).² 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 needs more time to prepare a response, Complainant does not object to the request, and it appears the motion is not being made for the purpose of delay. 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).

Respondent’s Motion for Extension of Time is GRANTED, and Respondent’s answer deadline is EXTENDED until June 11, 2024.

SO ORDERED.

Dated and entered on May 13, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² 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>.