

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

May 15, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00080
)	
G2,)	
Respondent.)	
_____)	

Appearances: John M. Miano, Esq., for Complainant
Andrew P. Stevens, 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, G2, 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 to Respondent by United States Postal Service (USPS) certified mail. The USPS tracking service indicated the Complaint package was “awaiting delivery;” therefore, the Court sent an additional copy of the NOCA and Complaint to Respondent by certified mail on April 25, 2024. The USPS tracking service indicates it was “delivered to agent for final delivery” on April 29, 2024. Respondent’s answer is due May 29, 2024. See 28 C.F.R. §§ 68.3(b), 68.9(a).¹

On May 8, 2024, Respondent filed Respondent’s Motion to Extend Time to Answer. Respondent requests an extension through June 5, 2024 because “[t]he complexity of the allegations alleged in the Complaint necessitates additional review time for an appropriate response,” and difficulties in obtaining records necessary to respond to the Complaint. Mot. Extend Time Ans. 1–2.

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

“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).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 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 the need for additional time to prepare an adequate response to the Complaint. On balance, the amount of time requested and the Respondent’s stated rationale create sufficient good cause in this circumstance. *See, e.g., United States v. Brulotte Farms, Inc.*, 19 OCAHO no. 1527, 1–2 (2024) (finding good cause for an extension of the answer deadline where the respondent cited the “short amount of time it had to otherwise prepare and file an answer and the complexity of the case,” considering counsel’s desire to participate in the proceedings, the lack of prejudice to the complainant of a short extension, and the benefit to the record and proceedings of a meaningful answer).

Respondent’s Motion is GRANTED. Respondent’s answer is due by June 5, 2024.

SO ORDERED.

Dated and entered on May 15, 2024.

Honorable Andrea R. Carroll-Tipton
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 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>.