

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

April 8, 2025

LASZLO VASKO,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2025B00023
	)	
	)	
UBER TECHNOLOGIES, INC.,	)	
Respondent.	)	
	)	

ORDER DIRECTING COMPLAINANT TO PROVIDE RESPONDENT ADDRESS
(SERVICE OF COMPLAINT)

I. PROCEDURAL HISTORY

On December 2, 2024, Complainant, Laszlo Vasko, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Uber Technologies, Inc. The complaint alleges that Respondent asked for more or different documents than required for the employment eligibility verification process, in violation of 8 U.S.C. § 1324(a)(6).

On January 17, 2025, the Chief Administrative Hearing Officer sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the complaint, via USPS certified mail, to the address provided by Complainant. The NOCA informed Respondent that it had thirty days from the date it received the NOCA to file an answer to the complaint, and that failure to answer could result in a default judgment. Notice Case Assign. 4 (citing 28 C.F.R. §§ 68.3(b), 68.9).¹

While the U.S. Postal Service's website indicates the NOCA package was retrieved at a postal facility on January 27, 2025, in San Francisco, CA, the Court did not receive a return receipt confirming service upon Respondent. To date, Respondent has not filed an answer.

¹ OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

II. LAW & ANALYSIS

OCAHO's Rules provide that service of the complaint shall be made by the Court. 28 C.F.R. § 68.3(a). OCAHO can serve complaints "[b]y mailing to the last known address of such individual, partner, officer, or attorney or representative of record." 28 C.F.R. § 68.3(a)(3). A complaint must, therefore, "be accompanied by a statement identifying the party or parties to be served," 28 C.F.R. § 68.7(b)(5), as "[s]ervice of [a] complaint . . . is complete upon receipt by [the] addressee." 28 C.F.R. § 68.3(b).

In this case, Complainant only provided a general corporate address for Respondent; however, Respondent is a multinational corporation operating in 70 countries and employing roughly 31,100 individuals.² Thus, the "manner of service was not reasonably calculated to advise Respondent of a matter pending before [the Court] (e.g., [A mailing] to the mailroom of a multinational company, rather than directed to the attention of an officer, director, or registered agent of the company [does not place that company on notice].)." *Shater v. Shell Oil Co.*, 18 OCAHO no. 1504, 3 (2023). Because Complainant did not "identify a registered agent, officer, or director for the company," service was not perfected. *Wang v. Dropbox, Inc.*, 20 OCAHO no. 1605, 2 (2024).³

Where the Court "encounters difficulty with perfecting service," it "may direct that a party execute service of process." 28 C.F.R. § 68.3(c). However, OCAHO's Rules do not specify how the party must execute service. As a result, this Court has previously consulted Federal Rule of Civil Procedure 4(h). *See Wang*, 20 OCAHO no. 1605, at 2.

Federal Rule of Civil Procedure 4(h) provides that service of a complaint may be made on a corporation, partnership, or association by "delivering a copy of . . . the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process" Fed. R. Civ. P. 4(h)(1)(B). Service can also be made by any method outlined in Rule 4(e)(1), which allows for service by any method permissible by the law of the state in which service is effected. Fed. R. Civ. P. 4(h)(1)(A), 4(e)(1).

² Uber Technologies, Inc., Annual Report on Form 10-K at 7 (Mar. 24, 2025). The Court may take official notice of certain facts. If a party desires an opportunity to be heard on the size and geographic span of Respondent business, they may submit a filing within 30 days of issuance of this Order. 28 C.F.R. § 68.14.

³ Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database "FIM OCAHO," the LexisNexis database "OCAHO," and on the United States Department of Justice's website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Per the Complaint, Respondent is in California. Compl. 4. This Court previously observed:

California’s Code of Civil Procedure provides for several potential methods to serve a corporation. *See* Cal. Civ. Proc. Code § 416.10. California’s Code of Civil Procedure allows service “by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in another [allowed] manner” Cal. Civ. Proc. Code § 415.50.

The Complainant’s Complaint was deficient for failing to identify an officer, director, or registered agent for the Respondent business. 28 C.F.R. §§ 68.7(b)(2), 68.7(b)(5), 68.3(a)–(b). The Court now offers Complainant options for . . . resolving the deficiency. Complainant may submit a supplement to the Complaint, identifying an officer, director, or registered agent, or stating that the address previously identified for the Respondent is incorrect and providing a working mailing address for Respondent. Alternatively, Complainant may request that the Court permit Complainant to serve Respondent. If the Complainant requests to effect service, service must be performed in a manner that satisfies Federal Rule of Civil Procedure 4(h). Finally, Complainant may instead request the Court permit an alternative form of service. Any submission must describe the proposed alternative form of service in detail, and offer an affidavit and argument demonstrating that no other form of service identified in the Federal Rules of Civil Procedure or OCAHO’s Rules of Practice and Procedure would reasonably appraise Respondent of the pending action. *See* Cal. Civ. Proc. Code § 415.50.

In this forum, “[w]hen a complaint cannot be served, the case may be dismissed without prejudice.” *US Tech Workers et al. v. Cast 21*, 19 OCAHO no. 1571, 2 (2024) (citing *Ramirez v. Sam’s Club*, 18 OCAHO no. 1525, 2 (2024)); *see also* *Zajradhara v. Blossom Corp.*, 18 OCAHO no. 1523, 2 (2024), *United States v. DJ’s Transport*, 18 OCAHO no. 1488, 5 (2023) (“Should service not be accomplished, the Court may consider dismissal sua sponte.”).

Wang, 20 OCAHO no. 1605, at 2–3.

The Court makes the same finding in this case and presents Complainant with the same options for perfecting service.

“[I]f Complainant takes no action within 60 days of the date of this order, or offers no explanation for failing to effect service during the timeframe, the Court will dismiss the complaint without prejudice.” *Wang*, 20 OCAHO no. 1605, at 3.

SO ORDERED.

Dated and entered on April 8, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge