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

May 21 2025

	Way 21, 2023	
ZAJI OBATALA ZAJRADHARA, Complainant, v.)))	8 U.S.C. § 1324b Proceeding OCAHO Case No. 2024B00107
EFG PACIFIC HOLDINGS, LLC, Respondent.)))	

Appearances: Zaji O. Zajradhara, pro se Complainant Stephen J. Nutting, Esq., for Respondent

ORDER TO SHOW CAUSE – DOCUMENTARY PRACTICES

I. BACKGROUND

On May 17, 2024, Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, EFG Pacific Holdings, LLC. Complainant alleges that Respondent discriminated against him based on national origin and citizenship status by failing to hire him, retaliated against him, and rejected or refused documentation presented to prove Complainant's identity and/or show his work authorization. The Court accepted the Respondent's Answer on January 15, 2025. Order Discharging Order to Show Cause and Accepting Answer 2-3.

Subsequently, the parties filed a series of motions. On March 8, 2025, Respondent filed a Motion for Summary Decision to which Complainant responded, along with a motion titled "Supra Motion Regarding Attorney Stephen J. Nutting's Conflict of Interest and Pattern of Obstruction." On May 13, 2025, Complainant filed his own Motion for Summary Judgment.

Respondent filed a "Motion for an Order of Protection" on March 19, 2025, to which Complainant responded on March 19, 2025.

In order to clarify the scope of the case for the benefit of discovery, the Court issues this Order to Show Cause.

II. ORDER TO SHOW CAUSE

This Court may dismiss the complaint without a motion from the respondent if it finds that the complainant has failed to state a claim upon which relief can be granted. 28 C.F.R. § 68.10(b). Document abuse under 8 U.S.C. § 1324b(a)(6) occurs in a very specific context. That is, "when an employer, for the purposes of satisfying the requirements of § 1324a(b), requests more or different documents than necessary or rejects valid documents, and does so for the purposes of discriminating on the basis of citizenship or national origin." *United States v. Mar-Jac Poultry, Inc.*, 12 OCAHO no. 1298, 25 (2017), citing *Angulo v. Securitas Sec. Servs. USA, Inc.*, 11 OCAHO no. 1259, 5-6 (2015). To drill down further, document abuse is prohibited if made "in connection with the employment verification process required by 8 U.S.C. § 1324a(b)," meaning "for the purpose of verifying the identity and work-eligibility of the individual." *Id.*, citing *United States v. Swift & Co.*, 9 OCAHO no. 1068, 10 (2001).

In the Complaint, Complainant did not check yes or no for the question on page 8 of the complaint regarding documentary practices, but in section 10 on page 12, Complainant marked yes to the question "Did the Business/Employer reject or refuse to accept the documents you presented to prove your identity and/or show that you are authorized to work in the United States." Complainant listed his resume as the document that the Business/Employer rejected, but then marked no to the question of whether he was asked for more or different documents than required for the employment eligibility verification process (or the Form I-9 or E-Verify system) to show eligibility to work in the United States.

The Complaint is inconsistent as to whether Complainant intended to pursue a claim of unfair documentary practices under 8 U.S.C. § 1324b(a)(6). In any event, assuming he did so intend, Complainant did not allege that the resume was rejected in connection with the employment verification process – i.e. in establishing Complainant's identity and work eligibility. Nor could he as a resume is not included in the list of documents acceptable to establish identity or employment authorization, and thus is not a valid document for this purpose. See 8 C.F.R. §§ 274a.2(b)(1)(v)(A), (B) and (C).

The Complainant may respond to this Order and show cause as to why his Complaint states a claim for discrimination based on unfair documentary practices within 14 days of this notice. Respondent may file a response within ten days of the Complainant's submission. The Court puts Complainant on notice that if he fails to submit a filing within the allotted 14 days, the Court may nevertheless proceed to rule on whether the Complaint states a claim for unfair documentary practices under 8 U.S.C. § 1324b(a)(5).

SO	ORDERED.

Dated and entered on May 21, 2025.

Honorable Jean C. King Chief Administrative Law Judge