

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

May 21, 2025

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2025A00034
	)	
PROVEN PERFORMERS, INC., D/B/A	)	
HYR-UP SOLUTIONS, INC.,	)	
	)	
Respondent.	)	

Appearances: Trisha Lacey, Esq., for Complainant
Tejas Shah, Esq., for Respondent

ORDER GRANTING EXTENSION OF ANSWER DEADLINE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 10, 2025. Complainant alleges that Respondent, Proven Performers, Inc., d/b/a Hyr-Up Solutions, Inc., violated 8 U.S.C. §§ 1324a(a)(1)(A), 1324a(a)(1)(B), and 1324a(a)(2).

On March 11, 2025, the Court sent Respondent a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA) via U.S. certified mail. According to United States Postal Service tracking information, the complaint package was served upon both Respondent's president and Respondent's counsel on March 18, 2025.

On April 17, 2025, this Court granted Respondent's Agreed Motion for Extension of Time, extending the time for response to May 19, 2025, due to the parties' representation that they were in ongoing settlement negotiations. *United States v. Proven Performers, Inc.*, 21 OCAHO no. 1659 (2025).

Respondent filed a second Agreed Motion for Extension of Time on May 19, 2025. Respondent states that the parties have settled the case and are in the process of obtaining a final executed copy of the settlement agreement. Extending the deadline thirty days will allow Respondent to avoid

the time and expense of responding to the Complaint, and provide time to file a motion to dismiss. Mot. Extension 2. Respondent also indicates that the “request is not . . . for the purpose of delaying these proceedings and will not prejudice Complainant” *Id.*

“OCAHO’s Rules of Practice and Procedure . . . do not provide specific standards for extensions, but the standard routinely applies is good cause.” *United States v. Patch Sub, LLC*, 18 OCAHO no. 1521, 2 (2024) (quoting *United States v. Space Exploration Techs.*, 18 OCAHO no. 1499, 5 (2023)). “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.’” *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462, 2 (2022) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

Respondent submitted the request for an extension on the day the answer was due, and Respondent indicates that Complainant does not object to the extension. Mot. Extension 2. Given the representation that a settlement has been reached, the timeliness of the request, and Complainant’s lack of opposition, the Court finds good cause for the requested extension of the Answer deadline.

The Court GRANTS Respondent’s Agreed Motion for Extension of Time. Respondent may file its answer no later than June 19, 2025.

As noted previously, should the parties seek dismissal based upon the settlement agreement before the June 19, 2025, answer deadline, they should refer to 28 C.F.R. § 68.14(a) for how to seek dismissal pursuant to settlement. Any filing seeking to dismiss the matter under 28 C.F.R. § 68.14(a)(2) should indicate if the parties seek dismissal with or without prejudice.

SO ORDERED.

Dated and entered on May 21, 2025.

Honorable Jean C. King
Chief Administrative Law Judge