

8 U.S.C. § 1324b Proceeding
OCAHO Case No. 2025B00029

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO's webpage on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

II. LEGAL STANDARDS

Under OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), the court is responsible for service of the Complaint. 28 C.F.R. § 68.3(a). OCAHO’s Rules require that the Complaint contain “[t]he names and address of the respondents” and “a statement identifying the party or parties to be served.” 28 C.F.R. §§ 68.7(b)(2), 68.7(b)(5). The regulations provide that service may be effected “[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). “Service of complaint . . . is complete upon receipt by addressee.” 28 C.F.R. § 68.3(b).

When OCAHO “encounters difficulty with perfecting service,” the court “may direct that a party execute service of process.” 28 C.F.R. § 68.3(c); *see, e.g., United States v. Oil Patch Petroleum*, 18 OCAHO no. 1508 (2023).² The regulations offer no guidance on the manner by which a party may effect service. Accordingly, the courts look to the Federal Rules of Civil Procedure, which may be relied upon as a “general guideline in any situation not provided for or controlled by [OCAHO’s] rule[.]” 28 C.F.R. § 68.1; *see also Wang v. Dropbox, Inc.*, 20 OCAHO no. 1605 at 2-3 (2024) (outlining options for complainant’s service of the complaint based on Federal Rule 4(h)).

III. DISCUSSION

In the case presently before the Court, Complainant only provided a general address for the Respondent, without identifying a registered agent, officer, or director for the company. Because no individual was identified and the address provided was a general business address, the “manner of service was not reasonably calculated to advise Respondent of a matter pending before it.” *Shater v. Shell Oil Co.*, 18 OCAHO no. 1504, 3 (2023). The Court therefore finds that service was not perfected per OCAHO’s regulatory requirements.

Because the Court “may direct a party to execute service of process” when it “encounters difficulty with perfecting service,” the Court turns to Complainant for assistance in the service of the Complaint package. 28 C.F.R. 68.3(b).

Complainant may attempt to effect service in one of several ways. Complainant may file with the Court a supplement to the Complaint, identifying an officer, director, or registered agent for Respondent, as well as a working mailing address for this person.³ The Court will thereafter attempt to serve the Complaint on the person identified.

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>.

³ The rules also permit Complainant to address the complaint to a department or officer who might alert Respondent to the pendency of this litigation (i.e. to “the legal department” or “CEO”). It is possible that address may be the

Alternatively, Complainant may request a waiver of service compliant with Federal Rule of Civil Procedure 4(d)(1), or she may request that the Court permit Complainant to personally serve Respondent.

Service may also be effected by any method identified in Federal Rule of Civil Procedure 4(e)(1), which allows any method allowed by the state in which the district court is located or in which service is effected. Fed. R. Civ. P. 4(h)(1)(A), 4(e)(1).

Respondent is located in New Jersey. Compl. 6. New Jersey's Rules of Court provide for several methods to serve a corporation, including serving "any person authorized by appointment or by law to receive service on behalf of the corporation, or on a person at the registered office of the corporation." *See* N.J.R. 4:4-4(a)(6).

Complainant must submit a responsive filing within 60 days of the date of this Order.

A lawsuit may not proceed without an essential party being served with a copy of the complaint. "[W]hen a complaint cannot be served, the case may be dismissed without prejudice." US Tech Workers v. Cast 21, 19 OCAHO no. 1571, 2 (2024) (citing Ramirez v. Sam's Club, 18 OCAHO no. 1525, 2 (2024)). The Court therefore puts Complainant on notice that if Complainant takes no action within 60 days of this order, or offers no explanation for failing to effect service during that timeframe, the Court may dismiss the Complaint without prejudice.

SO ORDERED.

Dated and entered on June 16, 2025.

Honorable John A. Henderson
Administrative Law Judge

same as the address Complainant has already identified, but the Complainant should at a minimum identify a legal office or department to which to direct the Complaint if they cannot identify an officer, director, or registered agent.