

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2025A00020
)	
)	
ABS STAFFING SOLUTIONS, LLC,)	
Respondent.)	
)	

ORDER GRANTING SUBSTITUTION OF COUNSEL
AND ORDER TO SHOW CAUSE - ANSWER

I. BACKGROUND

This case arises under the employment eligibility verification provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a. On November 29, 2024, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, ABS Staffing Solutions, LLC, failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for 251 individuals in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl., Ex. A.

Because the Court not able to serve the Complaint on Respondent at the address provided in the Complaint, the Court issued an Order Concerning Ineffective Service of Complaint on February 13, 2025, offering Complainant options for effecting service on Respondent. United States v. ABS Staffing Solutions, LLC, 21 OCAHO no. 1623a, 3-4 (2025).¹

On March 4, 2025, Complainant provided the Court with a working address for Respondent. DHS Address Submission.

¹ 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>.

On March 6, 2025, the Court re-issued the Complaint to the new working address identified for Respondent, via U.S. certified mail. The tracking information for the re-issued Complaint package indicated that it was delivered and left with an individual on March 11, 2025. The Court also received a signed return receipt dated March 10, 2025.²

On April 22, 2025, Complainant submitted a Motion to Substitute Counsel.

II. COMPLAINANT’S MOTION TO SUBSTITUTE COUNSEL GRANTED

In the Motion to Substitute Counsel, ACC Nancy Torrellas seeks to replace ACC John Poppe as counsel of record because ACC Poppe is no longer with Complainant’s office. Mot. Substitute 1.

Under OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), withdrawal or substitution of counsel is permitted “upon written motion” and permission from the presiding Administrative Law Judge (ALJ). 28 C.F.R. § 68.33(g).³ The Court GRANTS the motion for substitution.

ACC Torrellas is directed to file a Notice of Appearance within 21 days of the date of this order. *See* 28 C.F.R. 68.33(f) (requiring a notice of appearance for all attorneys except for government attorneys who file complaints and respondents’ counsel who submit requests for hearing).

III. ORDER TO SHOW CAUSE – ANSWER

The mail tracking information indicates the Complaint was delivered on March 11, 2025. Consequently, Respondent’s Answer was due on April 10, 2025. *See* 28 C.F.R. § 68.9(a). To date, Respondent has not filed an Answer.

To contest a material fact alleged in the complaint or a penalty assessment, a respondent must file an answer. 28 C.F.R. § 68.9(c). Failing to file an answer on time “may be deemed to constitute a waiver of [Respondent’s] right to appear and contest the allegations of the complaint.” 28 C.F.R. § 68.9(b). As explained in the NOCA, the presiding Administrative Law Judge (ALJ) “may enter a judgment by default along with any and all appropriate relief.” United States v. ABS Staffing Solutions, LLC, 21 OCAHO no. 1632, 4 (2025) (citing 28 C.F.R. § 68.9(b)). “If a default judgment is entered, the request for hearing is dismissed, AND judgment is entered for the complainant without a hearing.” United States v. Rim Mesa, LLC, 20 OCAHO no. 1609, 2 (2024).

² For clarity, the Court will utilize the date of the mail tracking information and presume the date on the return receipt was an error.

³ 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>.

Alternatively, “[a] . . . request for hearing may dismissed upon its abandonment by the party . . . who filed it.” 28 C.F.R. § 68.37(b). A request for hearing “shall be deemed . . . abandoned” if a party “fails to respond to orders issued by the Administrative Law Judge.” 28 C.F.R. § 68.37(b)-(b)(1). If the Court find that Respondent has abandoned its request for hearing, the request for hearing is dismissed and the Notice of Intent to Fine becomes the final agency order, concluding the case. *See United States v. Rim Mesa LLC*, 20 OCAHO no. 1609b, 3 (2025).

However, it has long been OCAHO’s practice to issue an order to show cause before entering a default. *See United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444 (1989) (Vacating order denying default judgment).

Respondent is ORDERED to file an answer, pursuant to 28 C.F.R. § 68.9(c), within 30 days of the date of this Order. Respondent is further ORDERED to file a submission that demonstrates good cause for its failure to timely file an answer, within 30 days of the date of this Order.

The Court puts Respondent on notice that if Respondent fails to respond as ordered or cannot show good cause, the Court may enter a default judgment against Respondent, pursuant to 28 C.F.R. § 68.9(b). Alternatively, the Court may find that the Respondent has abandoned its request for hearing and dismiss the request for hearing for abandonment, pursuant to 28 C.F.R. § 68.37(b).

SO ORDERED

Dated and entered July 11, 2025

Honorable John A. Henderson
Administrative Law Judge